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Current Topics.

The New Lord of Appeal.

As was anticipated would be the case when the resignation of Lord SHAW, as a Lord of Appeal in Ordinary, was announced, the Lord Advocate, The Right Honourable WILLIAM WATSON, has been appointed to the vacant position. To English lawyers Mr. WATSON has been known chiefly as the son of Lord WATSON, one of the greatest judges who have sat in the House of Lords, and as such has left his name deeply imprinted in the pages of the reports. Curiously enough, the careers of father and son have followed the same lines, each having been in succession Solicitor-General and Lord Advocate of Scotland—posts which, in the case of each, led to the scarlet benches of the House of Lords. The new Lord of Appeal received his training, in part, in the office of one of the largest firms of Writers to the Signet in Edinburgh, and he came to the Bar with great advantages, but, just as was the case with his father, it was some time before he attained an extensive practice, but gradually that came to him along with various official appointments, such as that of Advocate Depute and Procurator to the Church of Scotland. It was not, indeed, till his father came to the House of Lords that his distinction came to be recognised, and the same may prove to be the case with the son. His successor, as Lord Advocate, is Mr. MACROBERT, K.C., who has been Solicitor-General since 1926, and who has enjoyed a large practice, besides having had judicial experience as Sheriff of Forfarshire—a post the holding of which is not incompatible with practice at the Bar. As Solicitor-General Mr. MACROBERT is succeeded by Mr. W. G. NORMAND, K.C., whose scholarly and legal attainments marked him out for promotion. For some time he edited, with great ability, the *Juridical Review*.

Shooting Smugglers.

A REMARKABLE scene in the American Congress is reported, when vociferous applause greeted the story of a Washington policeman, who, suspecting that a car contained spirits, challenged the youthful driver, and, on the challenge being ignored, shot him through the head and killed him. In the course of our island history many smugglers must have been killed by revenue officers, but it may be doubted whether, within living memory, one such offender has lost his life this way. Smuggling in disguise was a felony in BLACKSTONE'S day (see 19 Geo. II, 1746, c. 34), but smuggling without violence has long since been rated as misdemeanour only. Our own law as to preventing the escape of felons and misdemeanants was discussed in a note at p. 2 of vol. 70, referring to the practice in our prisons of confining misdemeanants during their whole term within prison walls, and never allowing them to work outside. This is founded on the law that an officer may fire at, and therefore risk killing, an escaping felon, but not a misdemeanant, the theory being that the escape of the latter is a lesser evil than the loss of his life. Obviously therefore a misdemeanant who was fleeter of foot than his warders could escape every time. In *R.* v. *Dadson* (1850), 3 Car. & K. 148, the prisoner, a constable, being employed to guard a copse from which wood was continually stolen, challenged a man coming out of it, and, failing to stop him in that way, fired and wounded him in the leg. The injured man was in fact guilty of felony, but not to the prisoner's knowledge, and it was therefore held that the latter had no justification for firing. It may be observed that, although it is lawful to endanger or take a felon's life to prevent his escape, the police who are warned of fleeing motor-bandits do not place any physical obstruction in their way as their cars race by. However, the unwritten conventions, which largely prevent our police killing criminals and *vice versâ*, do not prevail in the United States, where war *à l'outrance* is apparently the rule.

Monsieur le Maire.

MANY PEOPLE in this country have been surprised to learn how considerable are the powers vested in the French "Maire" as illustrated by the recent action of the Mayor of Le Havre in decreeing that British visitors passing into France through that town must have been vaccinated or, if not, must submit to vaccination now. We should have thought that such a decree to have any real value should be imposed uniformly throughout the land or not at all. In England it is difficult to imagine such powers being left to the caprice of a local dignitary, but it is highly characteristic of France, where local authorities exercise powers which our own have never held and which produce a state of affairs

bewildering in its complexity and intricacy. It will be remembered for example that during the war, the larger French towns issued their own notes and coins. When the centre of gravity of the war front suddenly shifted, as, of course, it was very apt to do, and a division was moved, the next towns in which the troops found themselves would not look at the currency they brought with them. Thus much of the money issued in this way became so much waste paper. A German attack must have brought financial salvation to many of these little towns. To return to Monsieur le Maire, so numerous are the functions which he has to fulfil that it would be impossible to catalogue them here. He is the "Registrar-General" of his district. The registers of births, marriages and deaths are in his custody, and to obtain a certificate you write to him and not to a central authority in Paris. Adorned in the tri-colour sash of the Republic, he unites couples in a state of civil matrimony. Later they may go on to the church, but his is the binding ceremony. He is a sort of commissioner of taxes, fixing the assessments on which his burgesses are to be taxed. In administrative matters, he is very much a law unto himself. Some time ago, certain legal documents had to be submitted to the mayor of a small town in the Seine Valley. They were returned for emendation. In vain did the solicitors who had sent them, jealous of their reputation, protest that they were exactly similar to those they had sent to Rouen for a like purpose. Monsieur le Maire was adamant, and they had to yield. What may be good enough for Manchester will never do for Little Bootleton. If you are a Frenchman, before very long you will find it necessary to prove that you are indeed you. There is only one way of doing this. You get the Mayor to say so on a piece of the mayoral paper stamped with the mayoral seal. In the bigger towns where there is a regular staff, to obtain this is an undertaking prosaic enough. But in a village it may become a quest approaching high adventure. At the mayor's office you are informed that the mayor is in a meadow behind the church. You set off for the meadow, but you are not greatly surprised to find it innocent of His Worship. You report back to the office. Not in the meadow? Then he will most certainly be in the potato field across the river. You cross the river. At last you have run your quarry to earth. You see his broad back bent over the green rows. He greets you placidly. By six he will return to the office and complete the document. It is now four but you do not dream of leaving him. This is very much indeed a case of continuous pursuit. Once you let him go, you may have to recommence the chase all over again. At six, true to his word, the good man gathers himself together and you go back to the office. Soon you have the magic sheet signed, sealed and delivered. You are undoubtedly you. Was it not worth while waiting all the afternoon for so invaluable a document?

Gretna Green Marriages.

THE PROMINENCE given in the lay press to a recent marriage at Gretna Green and the comments made thereon, show that in some quarters a good deal of misconception still prevails regarding irregular marriages in Scotland. First of all it should be observed that there is no peculiar sanctity attaching to a marriage contracted at the village of Gretna Green, whose fame, or notoriety, perhaps we should say, dates from the days before Lord BROUGHAM'S Act of 1856, when, owing to its proximity to the border, it was one of the first villages accessible to English runaway couples desirous of a speedy wedding. At the time there was no necessity for either of the intended spouses having been resident in Scotland; this, however, was altered by the statute of 1856, which by s. 1 enacts that "after 31st December, 1856, no irregular marriage contracted in Scotland by declaration, acknowledgment, or ceremony shall be valid, unless one of the parties had at the date thereof his or her usual place of residence there, or had lived in Scotland for twenty-one days next preceding such marriage; any law, custom or usage to the contrary notwithstanding." The computation of the twenty-one days' residence is strict, as is shown by the decision of Sir JAMES HANNEN in *Lawford* v. *Davies* (1878), 4 P.D. 61. There a man and a woman, both of whom were domiciled in England, arrived in Scotland about 4 a.m. on 1st July, 1870, remained there until 21st July, and between 11 and 12 a.m. on that day contracted in Edinburgh an irregular marriage. It was held that the marriage was invalid as they had not "lived in Scotland for twenty-one days next preceding such marriage." An irregular marriage as explained by Mr. F. P. WALTON in his "Handbook of Husband and Wife according to the Law of Scotland," is one contracted without any religious ceremony, by the parties declaring that they accept each other for husband and wife. The church has always frowned upon this method of entry into the matrimonial state, but there is no doubt of its validity provided there is a *bonâ fide* acceptance of each other by the parties for husband and wife, and provided, as we have seen, the requisite residential qualification is fulfilled. Such a marriage may be validly entered into at any place in Scotland, Gretna Green having no monopoly in this matter.

Derby Sweepstakes.

IN ANSWER to a question in the House of Commons, the Home Secretary is reported to have made the statement that "according to the advice of my legal advisers" the Stock Exchange Derby Sweepstakes was not a public lottery, and therefore he had no right to interfere with it. This advice is somewhat remarkable in the face of 10 & 11 William III, c. 17, ss. 1 and 2, still unrepealed. Section 1 declares all lotteries to be common and public nuisances, and s. 2 forbids anyone "publicly or privately" to exercise, keep open, show or expose to be played at, drawn at, thrown at, etc., any lottery, either by dice, lots, cards, balls, or any other numbers or figures or any other way whatsoever. The maximum penalty for promoters is £500, and it is arguable that, in the case of such enormous undertakings, it would be merely derisive; but apart from the fact that £500 is quite a useful sum to handle, the further penalty on those participating of £20 would certainly be deterent. This Act was invoked and put into force in *R.* v. *Crawshaw* (1860), Bell's C.C. 303, and ERLE, C.J., observed (p. 316) "We find that the principle has prevailed and been acted on without qualification, that when the Legislature declares an act to be a public nuisance, the person doing the act is indictable." Nevertheless those learned in the law, whose duty it is to guide the Home Secretary in the right way of it, advise him that ERLE, C.J., is wrong, and that all the King's horses and all the King's men cannot prevent or touch an undertaking which is virtually an unofficial national lottery. This is certainly puzzling. The question of expediency is of course an entirely different one, but would involve the awkward issue raised by Commander KENWORTHY: why the big lottery is untouched, while hospital "tombolas" are suppressed with the utmost rigour of the law. The fact is, of course, that the state of the law as to betting, gaming and lotteries, with its palimpsest of Tudor, Stuart and Hanoverian statutes, is nothing short of a public scandal, but no modern government has the moral courage to touch it.

Discretion Judicial or Discretion Absolute.

IN THE case of *Dawson* v. *Dawson*, *The Times*, 12th April, 1929, justices were tripped up by the word "may" in s. 5 of the Summary Jurisdiction (Married Women) Act, 1895. They thought the word left them to do justice according to the light of nature, and did not require them to do justice according to law. The husband had left the wife against her will, without lawful excuse, and his leaving was therefore desertion. But he had a very real grievance against her in that she had,

he thought, tricked him into marriage by telling him that she was pregnant. The justices, naturally, sympathised with a husband so unfairly treated, but they forgot the binding nature of the marriage tie, and the inevitability of its obligations, even when knotted by a subterfuge. The case accordingly went back to them to determine what sum she should have for maintenance, a point in the case where they may, perhaps, properly mark their sense of the woman's ill-behaviour by giving her no more than is strictly necessary. How little relief a husband can expect because of his wife's deceit is illustrated by *Moss* v. *Moss* [1897] P. 263, which decided that the fact that a woman has been unchaste before marriage with a man or men other than her husband, that she is in consequence pregnant at the time of her marriage, and that she has deliberately deceived her husband as to her previous conduct and condition, does not render the marriage null and void. A man takes a wife or a woman a husband, generally speaking, with all defects, and has to make the best of the bargain, a state of things which is at once the strength and weakness of matrimony. The inescapable permanence tends to mutual accommodation, or to murderous exasperation, according to the temperament of the individual. Fortunately, with most, it is the former.

Independent Tort Feasors and Children.

A RECENT CASE in Watford County Court raised some interesting points as to the position of the children regarding nuisances on highways. The defendant had ordered some houses to be constructed on his land and the builder who was employed by the defendant had, for the purpose of bringing the material to the land more conveniently, placed a line of rails with some trucks thereon in a grassy lane adjoining the land. The lane was open to the public, but was not used by vehicular traffic. Owing to the fact that children tended to play with the trucks after the workmen had gone, the builder (according to his statement) ordered his workmen to remove the trucks (which weighed about 84 lbs. each) from the rails and place them on the defendant's land. The workmen stated that they had carried this duty out, but that the children nevertheless used to drag the trucks back on to the lines and take joy-rides on them. In the course of one of these joy-rides a small girl, aged about five and a half years, fell off and received injuries. There was no evidence to show that the child had trespassed on the land or that the children she was with (the eldest of whom was sixteen, and who quite appreciated that he had no business to meddle with the truck) had actually taken the truck off the land. Counsel for the plaintiff contended that the truck and rails constituted a nuisance on the highway and a dangerous lure for children. The case was decided against the plaintiff on other grounds, and this point was not adjudicated on. It is, however, of great interest. Assuming that these particular children found the truck on the line, and that the eldest of them was propelling it at the time when the plaintiff's daughter met with her accident, would that exempt the owner of the truck from liability? It is true that the original wrongdoer (assuming the owner of the truck to be a wrongdoer) will not be exempted from liability if the *novus actus interveniens* is the act of some person who is not fully responsible for his acts, and whose lack of responsibility he should have foreseen, such as a child (*Weld-Blundell* v. *Stephens* [1920] A.C. 985, per Lord SUMNER), but in this case the eldest child was of an age when he could be considered as fully responsible for his acts. Moreover (assuming the builder had, in fact, taken precautions to have the truck put out of harm's way), would not that have, in fact, satisfied the duty laid on him not to create a nuisance on the highway (see *McDowall* v. *The Great Western Rly* [1903], 2 K.B. 331)? Many other points suggest themselves, but it would be interesting to know at what age a person ceases to be a "child" for the purposes of cases of this nature.

Criminal Law and Police Court Practice.

MULTIPLYING WITNESSES.—In a recent case at the Central Criminal Court defending counsel asked for an adjournment, stating that there were fifty-eight witnesses and 102 exhibits. Judge Atherley-Jones, K.C., observed that the prosecution wanted sufficient evidence for a *prima facie* case to go to the jury, but they did not want fifty-eight witnesses for that. "It is," he said, "one of the scandals of these so-called long-firm fraud cases, that they are spun out for the benefit of no one but counsel and solicitors."

We hardly think it is as bad as that, though we quite agree that in many of these cases there is an undue elaboration caused by the anxiety of the prosecution to establish a clear case by multiplying instances of fraud. Doubtless counsel and solicitors feel that in cases of the long-firm type it might be easy for the defence to explain away a few transactions which, though suspicious, would hardly satisfy a jury that there was conclusive proof of fraudulent intent. It is the weight of numbers that tells in the long run. Further, judges nowadays seem to expect the evidence at the police court to be taken with a considerable amount of detail before the committal for trial, and prefer also that the defence should be disclosed, and the witnesses called, at the earliest opportunity. This means that heavy cases leave the police court with a formidable bundle of depositions and exhibits and a large number of witnesses.

Nevertheless, Judge Atherley-Jones has laid his finger on a matter that really deserves attention. Many cases now-a-days are unnecessarily over-burdened, especially where the prosecution adopts the method of negativing every possible line of defence in advance in a manner that savours of stopping all the earths before a day's fox-hunting.

WHAT IS AN "OCCUPIER"?—Before Mr. Mead, at Marlborough Street Police Court on 27th April, a man was charged at the instance of a borough council for that he, being the occupier of certain premises, knowingly permitted the premises, or part of them, to be used for the purposes of habitual prostitution.

The defendant had a lease of the whole premises, consisting of a shop and dwelling-house. Complaint was made of the conduct of two women, alleged to be prostitutes, living on the premises and using them for immoral purposes. The defendant said that he let to each of the two women a flat or tenement consisting of a complete floor, comprising three rooms, furnished. He denied knowledge of the improper use of the rooms.

The magistrate observed that the defendant was not the occupier of these two flats or tenements, as he let them off to the women. The solicitor for the borough council submitted that he was the occupier, because he was the rated occupier in beneficial occupation of the whole premises and his furniture was in the rooms he let to the women. Mr. Mead replied that in his view the defendant should have been charged as the landlord, under another part of the section, and not as occupier. He dismissed the charge. It was intimated that there would probably be an application for a special case.

IRRESISTIBLE IMPULSE.—When a woman was charged this week in a London police court with a theft, to which she pleaded guilty, her solicitor submitted that in spite of a number of previous convictions, she was more in need of sympathy and help than punishment. He said that a probation officer from the provinces who had a knowledge of her case, was satisfied that her moral resistance was negligible, and that the offence here was due to an irresistible impulse. Prison, said the solicitor, had evidently failed; and he urged the magistrate to give the defendant a chance of being treated at a psychological clinic.

The probation officer referred to said that the prisoner was a good mother, but she appeared to be unable to help stealing,

and had in fact been trained as a child to steal. Treatment at the clinic had been beneficial in other cases.

The magistrate said that he felt he would not be doing his duty if he passed over the offence in that way, and sentenced the prisoner to six months' imprisonment.

The case is of interest as raising once again the difficult subject of "irresistible impulse," as a defence, although no medical evidence was called, and also as throwing a sidelight on the increasing part that psychology is playing in the attempts to deal with puzzling criminal cases.

Irresistible impulse as a defence, though recognised in the United States of America, does not find general favour in the courts of this country. Professor HENRY, in his "Outlines of the Criminal Law," has an interesting passage on the subject, and cites Sir JAMES STEPHEN as supporting the view "that an insane impulse should be admitted as a defence if really irresistible (not merely unresisted), because then the act done would not be a 'voluntary act at all'"—with the qualification "unless this absence of the power of control has been produced by his own default."

The practical difficulty usually encountered is to prove to the satisfaction of the court that the impulse was really irresistible, and not simply hard to resist, and therefore unresisted.

Statute Law in Northern Ireland.

[CONTRIBUTED.]

THE laws and administration of Ireland have always presented a puzzle to the profession in Great Britain, except to those members of it who come into close contact with their brethren across the water. The majority, whose business does not lead them in that direction, are content to dismiss the topic with the remark that, "In Ireland all these things are different." This was the case even under the Act of Union, when a common Parliament made laws for the whole of the United Kingdom, the words "This Act shall not extend to Ireland" were often placed upon the Statute Book. But two new units of legislation and government have been in existence for some years, and of these, Northern Ireland at any rate, and her laws and administration, is still unfamiliar to many in the professional circles of Great Britain. There is certainly a need for greater knowledge. Every day one is liable to be asked such questions as: Are the Workmen's Compensation Acts in force in Northern Ireland? The Companies Acts? National Health Insurance? and so on. To answer such questions, it is best to begin at the beginning, and to state the exact sources of statute law in Northern Ireland.

Northern Ireland became a separate legislative unit for local purposes under the Government of Ireland Act, 1920, and that Act gave to her, as a kind of endowment, a body of "existing law":—

> "All existing laws in [Northern] Ireland shall, except as otherwise provided by this Act, continue as if this Act had not passed, but with the modifications necessary for adapting them to this Act, and subject, as respects matters within the powers of the Parliament of Northern Ireland, to repeal, alteration and adaptation in the manner and to the extent authorised by this Act."

The common law of England has always been in force—subject to statutory amendments—in Ireland, and this, of course, forms part of Northern Ireland's endowment of "existing" law. Our present concern, however, is with statute law only. But the statute law in force in Northern Ireland is not "light reading." It includes, in the first place, by reason of Poynings' Law (1495), the unrepealed survivals of "all statutes late made within the realm of England, concerning or belonging to the common or public weal of the same." Secondly, Northern Ireland statute law includes any unrepealed provisions of the statutes passed by the Parliaments of Ireland from 1495 up to 1800, when the two kingdoms of Great Britain and Ireland were united with a single Parliament; and of these provisions, a fair number are still in practical operation and not obsolete. The third group of statutes in force in Northern Ireland is still the greatest in bulk and perhaps in importance—it consists of the statutes passed by the Parliament of the United Kingdom at Westminster and applicable either to the United Kingdom as a whole, to Ireland as a whole, or since 1921, to Northern Ireland, together with or apart from Great Britain. Pre-Union Irish statute law and statute law of the United Kingdom Parliament passed before 1921 (when the transfer of powers took place) must be read together with the Government of Ireland Act, the "Adaptation" Orders in Council made under that Act, and any repealing or amending enactments of the Parliament of Northern Ireland. This "legislative labyrinth" has recently been provided with a clue as regards some of its devious ways—that is to say, for the period 1901–1911—in the form of two new volumes of the second edition of the "Statutes Revised." A Statute Law Revision Act was passed at Westminster in 1927, including in its scope obsolete and spent provisions applying to Northern Ireland; and the consequent volumes of the revised statutes also include Northern Ireland, and they show, in clear and concise footnotes, the present application of the statutes within the period, taking account of the Act of 1920, the Adaptation Orders, and the statutory changes made by the Northern Ireland Parliament.

That law, whose source is the Statute Book of the Northern Ireland Parliament, is local in extent. The powers of that Parliament are limited, under constituent Act, by certain restrictions. Its laws must be, in the first place, in respect of matters "exclusively relating to the portion of Ireland" within its jurisdiction; they may not touch matters relating to the Crown, peace or war, the forces of the Crown, the defence of the Realm, relations with foreign states, or other parts of His Majesty's dominions, or any matter of Imperial concern; they may not touch several important matters which are "reserved," namely, the levying and collection of customs duties, excise duties on articles manufactured and produced, and income tax, the postal service, the completion of land purchase, and the Supreme Court of Judicature. Outside these exceptions, the Parliament of Northern Ireland has power "to make laws for the peace, order and good government of Northern Ireland," and the diversity of the subjects which have, since 1921, come within the sphere of regulation by that Parliament can best be indicated by the contents of the Statute Book. This consists of annual volumes, each accompanied by a subject index, and a statement of the effect of each year's legislation upon previous enactments, the volumes being brought out under the supervision of a Statute Law Committee, of which the Lord Chief Justice of Northern Ireland is the chairman. On an average, thirty public general statutes represent the output of a session.

Having briefly examined the sources of the statute law of Northern Ireland, we are in a better position to answer querists who seek to compare the law in force in matters of every-day commercial, industrial and social concern, with the corresponding laws of Great Britain. To survey the legislative policy of the period before the transfer of powers would be a task outside the scope of this article. But the legislative policy of the Northern Ireland Statute Book, from 1921 to 1928, can be readily discerned, and by this means some information can be given to those in Great Britain who wonder whether "all these things are different in Northern Ireland."

The statutes of the year 1921 (September to December) are concerned with the constitutional details incumbent upon a newly established Parliament and Government: exchequer and audit; incorporation of departments; salaries of ministers and parliamentary officers; and the like. In the year 1922 much of the activity of the Legislature was devoted to questions of law and order, such as special powers for dealing with civil disorder, and the establishment of a regular police

force, the Royal Ulster Constabulary. Nevertheless, in that year time was found for keeping National Health Insurance and Unemployment Insurance "upon parallel lines" with those social services in Great Britain, and for passing a "Uniformity of Laws Act," which applied to Northern Ireland, the Westminster Acts of the same year relating to Infanticide, Gaming, Bread Acts Amendment, Sale of Tea, Celluloid and Cinematograph Films. The year 1923 witnessed several important assimilations to Great Britain—in the matters of workmen's compensation, unemployment insurance, criminal law amendment, and criminal evidence. In the following year the process was continued; unemployment insurance and national health insurance were "kept in step" with Great Britain, with the result that, in the case of health insurance, it was possible for the Northern Ireland law to be consolidated, together with the law of Great Britain, in an Act passed at Westminster; a statute was passed to extend to Northern Ireland the Industrial Assurance Act, 1923 (based upon the report of the Parmoor Departmental Committee); and a parallel Act to that of Great Britain strengthened the powers of the executive in dealing with the illicit drug traffic. In 1925 a scheme of contributory pensions for widows, orphans and aged persons was enacted, following that adopted in Great Britain. In 1926 the two Parliaments confirmed an agreement assimilating the burdens on the Exchequer of the United Kingdom and on the Exchequer of Northern Ireland, in respect of unemployment insurance. In 1927 the Trade Disputes Act brought the law of Northern Ireland into conformity with that of Great Britain. In 1928, the equal franchise was conferred upon women in Northern Ireland by both Parliaments, for the purposes of the election of members to their respective Houses of Commons. The amendments of company law which were passed at Westminster in 1928 have not yet been embodied in the Northern Ireland Statute Book; unless, however, the policy of "uniformity of laws" were departed from, such a step would naturally be taken in the near future. These instances will show how, in matters where assimilation is feasible, much legislative energy has been spent upon securing that the law, as respects a good many things, shall not be "different in Northern Ireland."

Road Vehicles Regulation Bill.

THE Select Committee of the House of Lords reported on the 17th April that, although thoroughly in sympathy with the objects of this Bill, they are not in agreement with its suggested methods of dealing with those objects, and they recommend that it be not passed into law. Another Bill, drafted by Viscount CECIL, had been laid before them, but they came to the conclusion that this Bill would have little chance of success.

As regards licences, the Committee think that the most satisfactory method of limiting the issue of licences would be to make the applicant sign a definite statement as to his physical fitness, and as to his knowledge of the rules, conventions and courtesies of the road, and that a false statement made for this purpose should be an offence. In this connexion, it should be remembered that cases have been known of men who have lost, for instance, their right arm, and have nevertheless driven for years without any accident, and on the other hand, of extremely skilful drivers, who, though physically fit, have met with several accidents. As regards the rules, conventions and courtesies of the road, a good driver does the right thing at the right time under all circumstances by a kind of second nature, but when in the witness box he may not be able to pass a satisfactory *viva voce* examination on hypothetical cases.

The police in some districts report that a large number of accidents are due to the negligence of pedestrians. The question whether there should not be some restriction on the rights of pedestrians to use the carriageway has not been dealt with. The old rule of the common law that even a paralytic has the right to walk in the carriageway was more reasonable when vehicles were horse-drawn and fast trotting horses were few and far between. In these days, however, when motor traffic has increased to such an extent that, unless it passes rapidly along, serious congestion of the highways will occur, it requires consideration. Pedestrians are apt to walk off the footway into the carriageway without looking out for the traffic, and to expect motor vehicles to keep out of their way. Perhaps some accidents would be avoided if pedestrians wishing to cross the carriageway of busy streets from one footpath to the opposite footpath, were required to cross at right angles instead of diagonally. Furthermore, on country roads, without side footpaths, pedestrians might well be required to walk on a certain defined side of the road. Possibly the right hand side of the way in which they are proceeding would be advisable.

As regards speed, the committee do not recommend that motor vehicles should be provided with a mechanical check on their speed, because sudden acceleration frequently enables a driver to avoid an accident, and they wisely recommend that no limit of speed should be laid down that cannot be enforced. The present limit of twenty miles an hour on all vehicles which is habitually disregarded by all private motorists, is absurd. Equally absurd was the restriction of twelve miles an hour imposed on heavy motor omnibuses that habitually travelled on the Great North Road at forty miles an hour. However, this speed limit has recently been raised to twenty miles an hour, and some effort has been made to enforce it.

It is not clear what the committee mean when they recommend that the regulations for braking should be brought up to date. It is probably true that most post-1924 cars are provided with four-wheel brakes, but most pre-1924 are not, but they can hardly be referring to this. At the present time, all motor vehicles are required to be provided with two independent brakes in good working order. There is some difficulty in seeing that this requirement is carried out, but it might be more strictly enforced. They considered that it was not practicable to make effective regulations to prevent dazzle nor to define the strength of light to be carried on vehicles.

The adoption of provisions to compel motor users to insure against third party risks they do not recommend. A widow who has been left with a family of small children whose husband has been killed by the negligence of some irresponsible and uninsured driver will not sympathise with this recommendation. They do not mention the advisability of conferring some claim to the policy moneys upon a person injured, who succeeds in his action against an insured driver for negligent driving, although in *Re Harrington Motor Co. Ltd., ex parte Chaplin*, 72 S.J. 48, it was held that the policy moneys paid to the liquidator of a company, and representing damages and costs for which an injured third party had obtained judgment against the company, was an asset of the company, and that the third party could only prove for his debt in the liquidation. Probably even the creditors of the company were surprised that they should make a profit out of the company's driver's negligence.

To the proposal to make obstructive alterations to the levels of the road, the Committee unanimously were opposed, on the ground that they would increase rather than decrease the number of accidents.

Whether it is wise or not is very doubtful, but the Committee approve of the principle that persons convicted of dangerous driving should have their driving licences suspended, automatically, unless the court in its discretion should think there were special circumstances for remitting such suspension. There is a tendency of magistrates to resent being placed in leading strings, and cases have been known where a defendant has been acquitted of the charge of being drunk in charge of a motor car because the suspension of his driving licence would be automatic. Cases have occurred where the charge

has been dismissed under the Probation of Offenders Act, and the defendant has been ordered to pay so large a sum as £10 costs, so as to avoid the automatic suspension of the driving licence. Of course a suspension of a driving licence is a serious thing to a man who is required to drive for business purposes, and to earn his own living. Magistrates are more likely to exercise extensive powers conferred upon them if they are trusted and given a discretion.

The Committee conclude their report with an earnest recommendation that the Minister of Transport should present his own Road Traffic Bill to Parliament without further delay. That Bill was drafted and published in 1927, but was never presented, and this prolonged delay has caused great unrest and anxiety amongst those interested in this subject. Probably most of our readers will agree with the Committee's report that the whole question of road vehicles is in urgent need of revision and reform, and will share in their earnest hope that regulation accompanied with proper enforcement of the law will be undertaken in the immediate future and that it will result in a substantial diminution of the accidents which continue to occur in such large numbers throughout the Kingdom. The Committee draw attention to the fact that fatal accidents in the Metropolitan Police area increased from 960 in 1927, to 1,230 in 1928. In the whole country they amounted to no less than 6,138.

A Conveyancer's Diary.

Implied Assents.

It has been suggested to me that I should take an opportunity of dealing with the question of implied assents by personal representatives. The power of personal representatives to assent to the vesting of any estate or interest in real estate and the effect of such assent will be found in s. 36 of the A. of E.A., 1925. Sub-section (1) runs as follows :—

> "A personal representative may assent to the vesting, in any person who (whether by devise, bequest, devolution, appropriation or otherwise) may be entitled thereto, either beneficially or as a trustee or personal representative of any estate or interest in real estate to which the testator or intestate was entitled or over which he exercised a general power of appointment by his will, including the statutory power to dispose of entailed interests and which devolved upon the personal representative."

And sub-s. (4) reads :—

> "An assent to the vesting of a legal estate shall be in writing, signed by the personal representative, and shall name the person in whose favour it is given and shall operate to vest in that person the legal estate to which it relates; and an assent not in writing or not in favour of a named person shall not be effectual to pass a legal estate."

The power of a personal representative to assent with the effect that the assent will operate as a conveyance is therefore clearly provided for. It seems also that an assent in writing is required for the vesting of the legal estate in any person other than the personal representative. The question which arises, however, is whether, where the personal representatives are also appointed trustees and have completed their duties as personal representatives, it is necessary for them to assent in writing to themselves as trustees, or whether an assent will in such a case be implied, as it would have been before the Act. Now sub-s. (4), it will be noticed, provides that an assent not in writing "shall not be effectual to pass a legal estate." In the case being considered no passing of a legal estate is required, for it is already vested in the executors who are also the trustees, consequently it would appear that in such circumstances sub-s. (4) does not apply. There are, however, advantages in having an assent in writing in such cases. In the first place, the assent is (in favour of a purchaser) conclusive that the person in whose favour it is given is the person entitled to have the legal estate vested in him upon the proper trusts. Hence, if the assent be in writing it will not be necessary for a purchaser to examine the will to see whether the trustees are the proper persons or whether the proper trusts are declared by the assent. So that an assent in favour of trustees to hold upon the statutory trusts or upon trust for sale will be sufficient evidence in a purchaser's favour without reference to the will either as to the persons named as trustees or the trusts upon which they ought to hold. Another advantage is that by assenting in writing the personal representatives make it plain that their duties as such have ceased and that they hold as trustees, although, no doubt, a recital in a conveyance to a purchaser would have the same effect.

Another point with regard to assents of personal representatives which I have been asked to discuss here is whether if a devisee contract to sell the devised property to a purchaser, an assent by the personal representative in favour of the purchaser will be effectual to pass the legal estate to the latter. If so, of course, stamp duty on the conveyance may be avoided. Now, by sub-s. (1) quoted above, an assent may be to any person who "whether by devise, bequest, devolution, appropriation or otherwise" is entitled. Certainly a purchaser from a devisee is not entitled by devise, bequest, devolution or appropriation; but does "or otherwise" bring him within the clause? On the one hand it is said that the expression "or otherwise" must be construed "*ejusdem generis*" with what precedes it, and therefore a purchaser is not indicated. On the other hand, it is contended that the *ejusdem generis* rule can have no application here because there is nothing to which it can apply, the words devise, bequest, devolution and appropriation covering all methods of the transmission of property, except that of purchase, using that word in its ordinary sense of purchase for value. It is certainly difficult to conceive to what form of transfer of property the words "or otherwise" apply in this sub-section if not to that by purchase. I confess that I cannot think of any. It may be, however, that those words were inserted *ex abundanti cautela* and do not extend the meaning.

It is unlikely that it would be held that an assent to a purchaser in such a case would be effectual.

Another point on the question of assent, which I have been asked to mention, is as to whether an assent of a mortgage debt is effectual to pass the debt. The suggestion seems to be that, although a mortgage term is an "estate or interest in real estate," and may, therefore, be the subject of an assent under sub-s. (1) (*supra*), the mortgage debt is not, and an assent is not a proper or available method of transferring the debt. I do not think that this contention is well founded. The mortgage debt is a chose in action, and, as such, is transferable by any document showing an intention to transfer the benefit of it. An informal document, such as a letter directed to the debtor directing him to pay the debt to the transferee, or a letter to the transferee authorising him to receive it, would be sufficient; in the latter case notice to the debtor being required. (See *Harding* v. *Harding* (1886), 17 Q.B.D. 442; *Brice* v. *Bannister* (1878), 3 Q.B.D. 569, C.A.; *Brandts* (*William*) *Sons & Co.* v. *Dunlop Rubber Co.* [1905] A.C. 454.). A document in the form of an assent will therefore answer the purpose of transferring the mortgage debt as well as any other, if notice be given to the mortgagor. An assent appears to me to be quite clearly an "absolute assignment in writing" within the L.P.A., 1925, s. 36.

IRISH SOLICITOR WHO ESCAPED DEATH SENTENCE.

Mr. Austin Stack, solicitor, died in a private nursing home in Dublin on Saturday, following an operation.

He was one of the Irish Republican leaders, and had charge of the arrangements for the landing of the Casement arms from a German submarine on the eve of the rebellion in Easter week, 1916. He was sentenced to death, but the sentence was commuted. He was a Minister in the first and second Dail Eireann Governments.

Landlord and Tenant Notebook.

Decontrol: Who is the Landlord?

The vexed question of the circumstances in which a tenant may be regarded as the "landlord" for the purpose of bringing about the decontrol of premises within the Rent Acts was considered once again in *Domendietti* v. *Ryan*, *Times*, 23rd April, 1929, although that case does not appear to lay down any new principle of law which is at variance with the present authorities.

In *Domendietti* v. *Ryan* the material facts were briefly as follows:—

On the 19th July, 1923, the freeholder let the entire premises to one F on a seven years' lease (so that the long leaseholder F was in possession of the premises on the 31st July, 1923), the rent of the premises being more than two-thirds of the rateable value.

In September, 1923, F sub-let a part of the premises to the defendant, and subsequently assigned the lease to the plaintiff. The plaintiff gave the defendant notice to quit on the 1st October, 1928, and subsequently brought an action for possession, the question thereupon arising whether the part in question was decontrolled. The Divisional Court, reversing the decision of the learned county court judge, held that the part was not decontrolled.

The difficulty of determining whether a tenant is a landlord has been occasioned by the fine distinctions which have been laid down in the authorities.

The simplest way out of the difficulty would have been the adoption of the view of SCRUTTON, L.J., in *Lloyd* v. *Cook*, 44 T.L.R. 761, that "landlord" in s. 2 of the Rent Act of 1923 means the freeholder, and does not include the tenant in any case, except, possibly, where the tenant is a long leaseholder holding at a nominal rent of less than two-thirds of the rateable value of the premises, so that the provisions of s. 12 (7) of the Act of 1920 apply. That sub-section provides that in such a case the Act is not to apply to the rent or tenancy, and that the Act is to apply in respect of such dwelling-house as if no such tenancy existed.

Unfortunately, the majority of the Court of Appeal did not adopt this view in *Lloyd* v. *Cook*, but held that the expression "landlord" might include a tenant in cases other than those in which the rent was less than two-thirds of the rateable value. Thus, Lord Justice GREER defined the expression as meaning "the same person as it means in s. 5 of the Act of 1920, that is to say, the person who, being an ex-landlord of the occupying tenant, is asking for possession of the tenement on the determination of the contractual tenancy."

So, again, Lord Justice SANKEY defined "landlord" as "any person who since 31st August, 1914, has let or has been entitled to let conditionally or unconditionally a dwelling-house to which the Act applies, or any part thereof."

These definitions are somewhat misleading, and, indeed, by themselves, may be wrongly interpreted as having the effect of making every leaseholder who subsequently lets, a landlord.

From the other authorities approved in *Lloyd* v. *Cook*, and from the decision of *Domendietti* v. *Ryan* itself, it is clear that this is by no means the case.

In order that a leaseholder should be in the position of a landlord it is submitted that it is necessary to show that he has let the premises previously to someone, and that he has subsequently re-entered into possession. In such a case decontrol will be effected on the first occasion on which the tenant has re-entered into possession; and this is the basis of such decisions as, for example, *Oakley* v. *Wilson* [1927] 2 K.B. 279.

This, it seems, is the true *ratio decidendi* of *Domendietti* v. *Ryan*.

Our County Court Letter.

ADDED PERIL AND WORKMEN'S COMPENSATION.

IN the recent case of *Huxley* v. *London Midland and Scottish Railway Co.*, at Uttoxeter County Court, the applicant sought an award in the following circumstances: On the 14th July, 1928, the applicant had been driving a shunting engine, which was put into a siding at 9 a.m. to await the arrival of some wagons. He then got off the engine to cool down, and the fireman endeavoured to fix open the cab windows by means of some wire. It became necessary to bend the wire, for which purpose the applicant looked for a joint in the rail, and sent the fireman back to the engine for a hammer. In the meantime some trucks, which were being shunted by gravitation, appeared unexpectedly and ran over the applicant, whose left leg was afterwards amputated. The applicant admitted he had made no application for hooks, in place of those missing from his engine, but he contended it was part of his work to make such articles, as he had been brought up in the habit of doing any little job that might be necessary. The contention for the respondents was that, although the hooks should have been on the engine, the applicant was making them for his own personal convenience in order to get ventilation. The case for the applicant was that it was part of his duty to effect minor repairs, and that the doctrine of added peril must be considered on the same basis as contributory negligence, the result being that he had not been doing an unreasonable thing, as the trucks arrived unexpectedly. His Honour Judge RUEGG, K.C., held that it was part of the driver's duty to do little jobs such as the above, as simple and temporary repairs were not objected to, but were commended by the respondents. No one expected the trucks at that time, but they belonged to a train which had arrived twenty-five minutes early, and they were shunted at once. The applicant had been doing something which was entirely in the interests of the respondents, and not primarily in his own interest, so that the accident arose out of his employment and he was entitled to compensation at 30s. a week, with costs.

A workman may not add a peril to his employment, beyond its normal attributes, unless he can show that the peril was recognised by practice, or was necessary or reasonable. In *Gane* v. *Norton Hill Colliery Co., Ltd.*, 1909, 2 K.B. 539, the applicant had left the pit and was going home by the shortest of three routes, which was the usual route for workmen who lived in a certain direction. This route involved crossing some rails and getting under the buffers of trucks, but on one occasion the trucks were set in motion and ran over the applicant's legs, which were later amputated. The county court judge found that the crossing of the rails by the men was within the knowledge of the company, and that no objection had been taken to the practice, but he held that the accident did not arise out of and in course of the employment. The Court of Appeal reversed this decision, the Master of the Rolls pointing out that an implied term of the employment was that, on completing their work, the workmen should leave the colliery by the accustomed and permitted route—as the applicant had done.

The above case was distinguished in *Lancashire and Yorkshire Railway Co.* v. *Highley*, 1917, A.C. 352, on the ground that in this case there was no evidence that the practice of crossing over the lines and under the trucks was recognised by the company. The county court judge had made no award, on the ground that the deceased had crossed the lines for purposes of his own—viz., fetching hot water for breakfast—and had thereby run an unnecessary and unreasonable risk in crawling under the trucks. The Court of Appeal reversed this decision in accordance with *Gane* v. *Norton Hill Colliery Co., Ltd.*, *supra*, but the decision of the county court judge was restored by the House of Lords. Lord HALDANE observed that the question arose as to whether the workman, in crossing

the line by going under the trucks—without ascertaining whether the train might begin to move—was arrogating to himself the right to do something which he was neither engaged nor entitled to perform. This test explained the meaning of the phrase "added peril," which means a peril voluntarily superimposed upon that which arose out of, and cumulative to, the employment—the workman being neither required nor authorised to expose himself to such a risk.

Practice Notes.

THE TRADE UNION SUBSCRIPTIONS OF SEAMEN.

THE methods of collection of the above were called in question in the recent test case of *Tipton* v. *O'Reilly* at Liverpool, the defendant being charged with intimidation, and watching and besetting, contrary to the Conspiracy and Protection of Property Act, 1927, s. 7, and the Trade Disputes and Trade Unions Act, 1927, s. 3. The case for the complainant was that the defendant had boarded the s.s. "Samaria" and had told the complainant that he would not be allowed to re-sign for the next voyage unless he paid £2, his arrears of subscriptions to the National Union of Seamen. Being unable to find more than 6s., the complainant had been refused the blue card of the union, and the Cunard Company had therefore dispensed with his services after employing him for twenty-six years. The complainant admitted that he had joined the Transport and General Workers' Union, which had lent him £1 a week while he was unemployed. The submission for the defence was that the complainant had known beforehand that payment of arrears was necessary in order to obtain a blue card, but it was held that there was a case to answer. The defendant's evidence was that the rest of the crew had been given until the end of the voyage to pay, but that the position was different in regard to the complainant, who was a ring-leader agitating against those who kept up their payments. The defendant denied that the men were afraid of him, as he had not been a professional boxer since he was sixteen. The learned stipendiary magistrate, Mr. Stuart Deacon, held that the complainant could not reasonably expect the same treatment from the union as those who paid their subscriptions, and, as the case for the prosecution failed, the summonses were dismissed, but without costs. The controversy noted in previous Current Topics—e.g., in our issue of 23rd March, 73 SOL. J. 179, has apparently entered upon a fresh phase.

THE DEFINITION OF A DISORDERLY HOUSE.

THE above subject was considered at the last Warwickshire Quarter Sessions in the case of *Scott and others* v. *Birmingham Licensing Justices*, on an appeal against the refusal of the renewal of the licence of the "Farmers' Arms." The premises were an ante-1869 beerhouse, and lodgings had been taken there by two constables, one in the character of a licensed pedlar, and the other a chauffeur. The licensee was subsequently convicted for the sale of spirits, for which the premises were not licensed, and also for the sale of intoxicating liquors in other than permitted hours. Fines amounting to £65 were inflicted, and the licensing magistrates subsequently refused to renew the licence on the ground that the house was of a disorderly character. It had been discovered that anyone stopping in the house, employed about the neighbouring markets, or known to the licensee, could obtain a drink at any hour of the day, and that this state of affairs had continued in secret for many years. The respondents' case was that (1) if an owner-licensee had been in charge, the forfeiture of the licence would have been inevitable, and a tied house should not have more favourable treatment; (2) the legal system whereby the ownership was vested in a limited company, and was thus severed from the actual management, could not excuse an evasion of the law. The case on behalf of the appellant landlords was that there had been no negligence in their control, as even the city police had only discovered the licensee's methods of business by accident. The house would not have been within the purview of the Disorderly Houses Act, 1751, as it had not been a cause of thefts and robberies, nor had it tempted the lower sort of people to spend their small substance in riotous pleasures. It was also urged that under the Licensing (Consolidation) Act, 1910, s. 65 (3), even a licensee was not punished by forfeiture of his licence until his second offence, and that the loss of a valuable licence was too heavy a penalty on a first complaint against a house. Mr. R. A. Willes, deputy-chairman, announced that the appeal would be allowed.

Reviews.

Clark and Lindsell's Law of Torts. Eighth edition. By W. A. MACFARLANE and G. W. WRANGHAM, Barristers-at-Law. 1929. London: Sweet & Maxwell, Ltd. 45s. net.

The fact that this work has reached its eighth edition is of itself cogent testimony that the profession have found it of very great value. Its authors—the senior of whom is happily still with us, although now retired from practice—were both profound lawyers, who, seeing that there was room for a fresh treatment of the subject, set themselves to supply it by their masterly volume. At once it was recognised as a standard and authoritative work, and this new edition, in which the learned editors have wisely, wherever possible, retained, and in some places restored, the words of the authors, well maintains its reputation. During the seven years that have elapsed since the previous edition was issued, many notable decisions have developed the law on the subject, and those cases have been skilfully and carefully introduced into the appropriate sections. On the question of remoteness of damage we have a full discussion of the decision of the Court of Appeal in *In re Polemis* [1921] 3 K.B. 560, but even that case, even if it be accepted as sound, which several critics think it is not, has not solved all the difficulties of the subject. The editors, after pointing out that damage may be too remote to be recovered, although theoretically it can be shown to be a consequence of the defendant's act, go on to say that "to formulate a practical test, however, which can be successfully applied to all cases is, in the present state of the authorities, impossible." Again, on the question of contributory negligence, there is a full consideration of the relevant cases, including *Admiralty Commissioners* v. *s.s.* "*Volute*" [1922] 1 A.C. 129, which should be found useful by practitioners who not infrequently find it hard to make the principle thoroughly understood by juries and even by judges. Regarding the subject of threats, coercion and intimidation, all the recent cases are cited, but we observe that on the delicate question which of the rival views of the Court of Criminal Appeal in *Rex* v. *Denyer* [1926], 2 K.B. 258, and of the Court of Appeal in *Hardie & Lane* v. *Chilton* (*No.* 2) [1928] 2 K.B. 306, is right, the editors offer no opinion, and indeed the point must be left in its present unsatisfactory state until the House of Lords has had an opportunity of pronouncing the last word. While we have concentrated our attention chiefly on the sections treating of the matters to which we have referred, we have nevertheless enjoyed dipping into other chapters and have been rewarded by being reminded that "an extraordinary rainfall in Scotland is not an act of God." For this *Greenock Corporation* v. *Caledonian Railway* [1917] A.C. 556, is cited, and, in a footnote we find "apparently the same is true of Wales," see *Att.-Gen.* v. *Cory Bros.* [1921] 1 A.C. 521. Further, in the chapter on Defamation, the question put by Chief Baron Pollock in *Clay* v. *Roberts*, 8 L.T., at p. 398, is recalled: "Would it be libellous to write of a lady of fashion, that she had been seen on the top of an omnibus?" The question is curious in the light of the social habits and customs of this

more democratic age. The editors appear to us to have carried out the task of bringing the work up to date with great thoroughness and ability, and they are to be congratulated on the result of their labours.

Macdonald's Criminal Law of Scotland. Fourth edition. By R. MACGREGOR MITCHELL, K.C. 1929. Edinburgh: W. Green & Son, Ltd. 42s. net.

This work, originally published some sixty years ago, was written by a young advocate on the suggestion of Mr. (afterwards Lord) Adam, who saw that there was ample room for a new treatise on the subject. The author, Mr. J. H. A. Macdonald, speedily found his reward in the shape, not only of satisfactory pecuniary results, but of professional employment which eventually led to the office of Lord Advocate and then to the Bench as Lord Justice-Clerk. The characteristic feature of the book was its clarity of arrangement and style; a feature which has been well maintained in this new edition. In turning over its pages the English reader is naturally struck by some of the technical terms in use in Scotland. Certain of these have at least the merit of being more generally intelligible than the corresponding terms in use in England. Thus, the Scots lawyer is content to speak of "theft" where his English confrère speaks of "larceny"; similarly, "arson" in English law is simply "fire-raising" in Scotland. On the other hand, the Scots lawyer has a few expressions—such as "stouthrief" and "hamesucken"—which have something of an awesome appearance and for which we appear to have no real equivalents. These and the various other indictable offences are dealt with under separate headings with admirable concision; then follow sections on the different stages of criminal proceedings from arrest to trial, and then to appeal, under the Criminal Appeal (Scotland) Act, 1926. It is astonishing to learn that banishment from Scotland is at least still technically possible in the case of a person performing the marriage ceremony "contrary to the established order of the kirk," but one wonders where in these days such an offender could be sent into exile. We have noticed little calling for criticism, but, perhaps, in dealing with *furtum usus* (which, by the way, is by a printer's error transformed into *furtum users* in the index) it might have been useful to point out that the vital element, that of clandestinity, was present in the first of the two cases cited on p. 27, note 1, and absent in the second. This, however, is a small matter, and we congratulate Mr. Macgregor Mitchell on having carried out his editorial duties so admirably. A word should be added as to the tasteful *format* of the volume.

The Collected Papers of Paul Vinogradoff. With a Memoir by The Right Hon. H. A. L. Fisher. Oxford: At the Clarendon Press. Vol. I, viii and 326 pp. Vol II. 509 pp. 42s. net.

Lawyers, historians and all who take an interest in the study of human conduct and human institutions cannot but feel extremely grateful to Lady Vinogradoff for giving them convenient access through these two volumes to the scholarly articles of the late Corpus Professor of Jurisprudence. The titles of the articles indicate even to the most casual observer how wide the range was of Vinogradoff's interests and studies. Thus, in Vol. I there are republished his enlightening articles on Folkland and other kindred subjects of interest to the historian of English land law, his critical and stimulating writings on the Text and the Note-book of Bracton, and his charming appreciations of two distinguished colleagues and co-workers (Maitland and Seebohm) in the field of legal research. While typical articles in the second volume are "Greek Law," "The Study of Jurisprudence," "Legal Standards and Ideals" and "The Sources of Law"— all indicative of the writer's profound interest in the theory of law, as well in the growth of legal systems.

The memoir by Mr. Fisher, which occupies the first seventy-four pages of Vol. I, gives a notable picture of a very remarkable man. "An arresting figure in the intellectual history of our age": A Russian—"who was one of the first of English medievalists": "an historian of English agrarian antiquities" who was a great comparative lawyer; a savant who was also a musician and a patriot; a Liberal thinker "who endeavoured to promote in his own country those principles of popular education and ordered liberty which are distinctive of democratic civilisation in the West." Looming in the background of the picture is the shadow of a Russia in some ways very different from the Russia of to-day. Vinogradoff was compelled to relinquish his Moscow Professorship "and go into exile as a protest against the humiliations which his university was compelled to undergo at the hands of an unintelligent despotism."

These collected papers will make a handsome and stimulating addition to the lawyer's leisure library.

Books Received.

Notable British Trials. Trial of John Donald Merrett. Edited by WILLIAM ROUGHEAD (Author of "Malice Domestic," "The Fatal Countess," etc.). With Frontispiece, twelve Illustrations and one Plan. Demy 8vo. pp. xi and 326 (with Appendices). William Hodge & Co., Ltd., Edinburgh and London. 10s. 6d. net.

Annual Survey of English Law. 1928. London School of Economics and Political Science (University of London), Department of Law. Medium 8vo. pp. xv and (with Index) 301. 1929. The London School of Economics, Houghton-street, Aldwych, W.C.2. 10s. 6d. post free.

The English and Empire Digest, with complete and exhaustive Annotations. Cumulative Supplement, No. 4, dealing with Vols. I–XLI. HAROLD G. MEYER, M.A., LL.B. Crown 4to. 1929. pp. cxxxvi and 880. London: Butterworth & Co. (Publishers) Ltd.

A Practical Treatise on the Criminal Law of Scotland. By the late Right Hon. Sir J. H. A. MACDONALD (Lord Justice Clerk). Fourth edition. By R. MACGREGOR MITCHELL, K.C., M.A., LL.B. 1929. Medium 8vo. pp. xvii and (with Index) 713. Edinburgh: W. Green & Sons, Ltd. 42s. net.

Kerr on Fraud and Mistake, including the Law relating to Misrepresentation generally, Undue Influence, Fiduciary Relations, Constructive Notice, Specific Performance, etc. Sixth edition, with which is incorporated *May's Treatise on Fraudulent Dispositions.* SYDNEY E. WILLIAMS. 1929. Demy 8vo. pp. xxxvi and (with Index) 717. London: Sweet & Maxwell Ltd. £2 2s. net.

A Concise Law Dictionary for Students and Practitioners, with Summaries of the leading Cases and a Translation of Roman Law Terms and Latin Maxims. P. G. OSBORN, LL.B. Demy 8vo. pp. xxvii and 306. London: Sweet and Maxwell Ltd. 15s. net.

Fishing Ways and Wiles. By Major H. E. MORRITT. Introduction by Lord HOWARD DE WALDEN, with a Frontispiece in colour and nine Monotone Illustrations by the Author and three by FRANK REYNOLDS, R.I. pp. 141. 1929. Methuen & Co., Ltd., 36, Essex-street, W.C. 6s. net.

The Agricultural Credits Act, 1928. S. J. M. SAMPSON, LL.M. M.C., T.D., Solicitor and Notary Public. Being a Lecture delivered at Ipswich and Norwich to Local Centres of the Institute of Bankers and reprinted from the Journal of the Institute of Bankers. With an Appendix containing Part 2 of the Act. April, 1929. London: Blades, East and Blades, Ltd. 1s. net.

The News Sheet of the Bribery and Secret Commissions Prevention League, Incorporated, for the upholding of honesty in the Professions, Business, etc., and for Combating Unfair Competition. No. 158. 17th April, 1929. London: 22, Buckingham-gate, S.W.1.

POINTS IN PRACTICE.

Questions from Registered Annual Subscribers only are answered, and without charge, on the understanding that neither the Proprietors nor the Editor, nor any member of the Staff, is responsible for the correctness of the replies given or for any steps taken in consequence thereof. All questions must be typewritten (in duplicate), addressed to The Assistant Editor, 29, Breams Buildings, E.C.4, and contain the name and address of the Subscriber. In matters of urgency answers will be forwarded by post if a stamped addressed envelope is enclosed.

Road Widening and Alternative Accommodation.

Q. 1622. In March, 1914, A took a shop with living accommodation over, the latter being used by A and his family until December, 1925, when A found it necessary to live in a separate house, and the accommodation over the shop was from that time used for storage purposes in connexion with his business which he continued to carry on in the shop. In September, 1925, the town council purchased (*inter alia*) the shop and premises occupied by A so that for a period of about three months A was using the upper part of the premises as living accommodation as tenant of the town council. On 1st August, 1928, the town council gave A notice to quit expiring on the 12th October, 1928. A is still in possession and no rent has been demanded or paid since the date of the notice to quit. The town council require A's premises and also certain adjoining premises for road widening purposes. A's solicitor has been negotiating with the council with the view of obtaining some compensation in respect of the goodwill, which, if A has to quit, will be entirely lost. Under the Landlord and Tenant Act, 1927, it would appear that no claim can be made by A in respect of the goodwill having regard to the fact that the premises are required by the local authority. The point, however, arises whether A is a protected tenant under the Rent Restrictions Acts having regard to the fact that from March, 1914, down to December, 1925, the premises comprised a shop and living accommodation. Does the fact that in December, 1925, A chose to live away from the shop deprive him of his rights under the Rent Acts? Is it not a case where the town council should provide alternative accommodation?

A. The fact of A choosing to live away from the shop does not deprive him of his rights under the Rent Acts: *Hyman* v. *Steward*, 69 Sol. J. 677. The town council should provide alternative accommodation for the reason stated by Mr. Justice Avory in *Parry* v. *Harding*, 1925, 1 K.B., at p. 118: "There is in the Housing Acts a special provision applicable to the one case where the local authority are exercising their powers under those Acts, the result of which is that there is no obligation to provide alternative accommodation, but if they are merely widening a road and doing exactly the same thing under another Act, then they are bound to provide alternative accommodation." See further "Concurrent Jurisdiction in Acquisition of Land" in our issue of 14th April, 1928; 72 Sol. J. 248.

Postponement of Wife's Claim under Deed of Arrangement.

Q. 1623. A tradesman executed a deed of arrangement containing a stipulation that the bankruptcy law of preferential debts should apply to the claims of the creditors. Some years ago the debtor purchased a shop with dwelling accommodation behind and above the part used for the business. He borrowed money from his wife to complete the purchase, and gave her a promissory note. The trustee refuses to consider her claim as debtor cannot pay the other creditors in full. The words of the Bankruptcy Act, 1914, s. 36 (2), "of any trade or business carried on by him or otherwise" would obviously apply to a shop alone. It has been held that the words "or otherwise" are *ejusdem generis*, and a loan for personal purposes is not postponed: *Re Genese*, 16 Q.B.D. 700. Is the trustee right in treating the wife as a deferred creditor, considering that the money was used in purchasing property part of which was a dwelling-house?

A. The answer will depend on which was the dominant purpose for which the premises were used, viz., were they a dwelling-house, the front of which was used as a shop, or were they primarily a shop with some living accommodation attached? Apparently they were the former, so that the trustee ought not to reject the wife's proof, at any rate, for the whole amount. In deciding the question of fact, the court will be influenced by the degree to which the dwelling accommodation was actually used as such, and by whom. If the debtor and his family lived there, the loan would not appear to be for the purpose of any trade or business of the debtor; but if the dwelling accommodation was let to a third party, the inference is that it was only bought as ancillary to the business premises, the latter being the primary object of the loan.

Recovery of Award for Compensation from Landlord's Executors.

Q. 1624. An arbitration under the Agricultural Holdings Act, 1923 to determine questions arising out of the determination of a tenancy by the landlord has been held, and the award is ready to be taken up. The landlord has since the date of the hearing of the arbitration died.

(1) What proceedings (if any) should be taken to join the landlord's executors as parties to the award?

(2) What steps can be taken by way of proceedings in the county court to recover the amount due from the landlord's executors in the event of their refusing to pay the amount stated to be due from the landlord to the tenant in the award?

A full reference to relevant rules and authorities will oblige.

A. The tenant is precluded from proceeding in the county court under the Agricultural Holdings Act, 1923, s. 19, and therefore—

(1) No proceedings should be taken to join the landlord's executors as parties to the award.

(2) The county court has no jurisdiction, but under the above Act, s. 41 (iii) the tenant is entitled to obtain from the Minister of Agriculture a charge on the holding to the amount of the sum due, and all costs incurred in obtaining the charge.

Judgment Summons—Expenses of Judgment Creditor Attending Hearing as Witness.

Q. 1625. A judgment creditor attended the county court upon the hearing of judgment summons, with the object of proving means in case of the judgment debtor's failure to appear. Without any notice to the creditor, the arrears due under the order were paid in to court on the morning of the hearing. The case was mentioned to the judge, and an application made to him for allowance of the judgment creditor's expenses involved in such attendance, but his honour refused to make any special order, commenting that the creditor was lucky to find the amount had been paid into court. Would you please state whether the judge was right in refusing to grant the application, and what steps if necessary, can be taken in the matter?

A. Ord. XXV, r. 35, provides that witnesses may be summoned to prove means on a judgment summons in the same manner as on a plaint, and under Ord. LIII, r. 38, a plaintiff is not entitled to any allowance, except for travelling, unless he is engaged in manual labour or unless the judge otherwise orders. The matter is therefore one for the discretion of the judge, and no further steps can be taken.

Legal Parables.

XXX.

The Solicitor who threw in his hand.

Young Mr. Percy Vere had not long been called to the bar, but he had a reputation for courage and tenacity, and when a solicitor who wanted to try him out gave him a brief before Crossgrayne, J., he expected Mr. Vere to put up a good fight even though he had only a poor case.

"What's the judge like?" he asked the solicitor's clerk.

"Bit awkward," replied the clerk. "Jumps on you if you don't stand up to him, and gets a bit wild if you do. Sometimes takes a case right out of your hands and does it for you. That's all very well, except that your client don't see what he's paid you for. Better stick to him. We've only got one point, and that's a rotten one; but we'll give the client a show."

Mr. Vere did his best. Crossgrayne, J., soon began to sneer at his point. Mr. Vere obeyed his instructions and the learned judge became a little nettled; whereupon, to the astonishment and disappointment of the solicitor's clerk, Mr. Vere seemed to waver.

"Don't chuck in your hand," he whispered. "Go for him!"

"You be quiet!" retorted Mr. Vere. "I'm going to do it my own way, and I'll lay you 6 to 4 I win!"

After a few more searching questions from the bench, the learned counsel, apparently much depressed, said he was afraid he had been wasting his lordship's time. He had at one time thought there was something in his point, and had done his best to put it before the court. He felt bound to acknowledge, however, that he seemed unable to assist his lordship, and feeling that he could do his client no further service, he had better not waste more time, but . . .

"Not at all!" interposed the judge, as counsel resumed his seat and tied up his papers. "Your point, as I understand it . . ." and he proceeded to elaborate Mr. Vere's argument ("a damn sight better than I could," as that young gentleman observed that night at dinner). Finally he became quite enthusiastic over it, quoted a string of cases of which Mr. Vere had never heard, and decided in his favour, remarking that learned counsel was to be congratulated on an able argument.

"Told you I should pull it off!" said Mr. Percy Vere. "Jolly fine old gentleman, if you take him the right way."

Correspondence.

Oath for Executors and Administrators.

Sir,—I have a somewhat serious criticism to make upon the present form of oath for executors and administrators. The form gives the option of swearing that there is or is not a minority or life interest arising on the death of the testator whose estate is under administration.

I have recently had under my observation a case of a small estate (under £1,000) in which the deceased died intestate leaving a widow and several infant children. I prepared the oath on the basis of the widow, who was proposing to administer, swearing that there was a minority. The form was rejected on the ground that the estate being under £1,000 the whole passed to the widow and one administratrix therefore sufficed, whereas had the net amount been over £1,000 a second administrator would have been necessary. The widow is therefore being asked to swear that there is no minority as otherwise two administrators will be insisted upon. This, of course, is not strictly accurate, although the addition of a few well-chosen words would make it so. What one does complain of is the absolute inelasticity of these forms and the clumsy way in which they are worded. One can well imagine the caustic criticism which a Chancery judge would pass upon an affidavit so worded if prepared by a solicitor for use in the Chancery Division. Moreover, it is surely very unwise to accustom the public to the use of inexact language in affidavits.

Now that I am writing you, another little point occurs to me. Why should one be asked in an affidavit for Inland Revenue to describe the deceased as of such and such an address? The introduction of the word "late" would, of course, be the appropriate description.

One other point. It has always puzzled me why the estate duty authorities rest content with the bare signature of form No. 36. In Canada one is asked to put a very similar statement (i.e., as to gifts *inter vivos*, etc.) on oath.

Eastcheap, E.C.3. E.S.W.
29th April.

[We thank our correspondent for his letter, but perhaps the letter from the Probate Registry, which appeared on p. 250 of our issue of the 20th April, is an indication that some of their forms are undergoing revision.—Ed., *Sol. J.*]

"Landlord and Tenant Notebook," p. 263.

Sir,—*Buckle* v. *Greaves*, decided in the Harrogate County Court, before His Honour Judge McCarthy on 13th April, 1928 (see "Estates Gazette Digest of Cases," 1928, p. 140), is a similar case to *Lovibond* v. *Vincent*.

In the former case a statutory tenant purported to leave his statutory tenancy by will to his housekeeper, who was also his sole executrix. It was held that he could not do so.

London, N.W.11. I. Gwynne Jones.
26th April.

Notes of Cases.

Court of Appeal.

Princess Olga Paley *v.* **Weisz and Others.**

Scrutton, Sankey and Russell, L.JJ. 21st March.

International Law—Foreign Sovereign State—Foreign Law—Confiscation of Goods in Russia—Russian Soviet Government—Act of State—Sale by Soviet Government to Persons in this Country—Claim by former Owner of Goods for Detinue and Conversion—Title of Purchasers from Russian Soviet Government.

Appeal from an order of Mackinnon, J. (72 Sol. J. 848).

The plaintiff, Princess Olga Paley, claimed from the defendants the return of, or damages for the detention or conversion of, certain furniture, tapestries, pictures, carpets and other chattels which she alleged belonged to her. The plaintiff alleged that the goods had been illegally seized at her palace in Russia after the revolution. The goods in question were purchased by the defendants from the Leningrad Gostorg, a sales agency of the Russian Soviet Government, in April, 1928, for £48,000. The defendants denied any detention or conversion and said that the goods were appropriated or confiscated by the Soviet Government from whom it had been purchased by one of the defendants. Princess Olga Paley had escaped from Russia without a passport. The defendants relied on two decrees: (1) No. 245 of the All-Russian Central Executive Committee and of the Council of People's Commissaries, which by s. 5 stated that works of art, antiques, and articles of historical interest being in museums and depositories, as forming part of the museum fund and being safeguarded by State means, are recognised to be State property; and decree No. 111 of the Council of People's Commissaries, which provided by s. 1 that it is declared the property of the Russian Soviet Federal Socialist Republic all the movable property of citizens fled outside the confines of the republic or hiding themselves up to the

present time of whatever consisting and wherever situated. Mackinnon, J., held that the defendants had proved that by the law of Russia the plaintiff had been deprived of her property and he gave judgment for the defendants. The plaintiff appealed.

The COURT dismissed the appeal. The defendants were entitled to succeed on three grounds: (1) it was shown that the plaintiff's palace in Russia was a museum which was being safeguarded by State means from funds provided by the Commissariat of Education, and that those articles, which had been put into an inventory, formed part of the museum fund within decree No. 245; (2) that the plaintiff had fled from Russia within the meaning of decree No. 111, and her goods thereby became the property of the Russian Soviet Federal Socialist Republic; (3) that if the seizure of the plaintiff's goods was begun without legal justification, or only by revolutionary right, it was ultimately adopted by a Government which was recognised by the British Government as the lawful Government of the territory in which the goods were, and that that was an act of State into the validity of which the court would not inquire. The court was bound to give effect to the laws and acts of the Russian Soviet Government, so far as they related to property within the jurisdiction of that Government. Appeal dismissed.

COUNSEL: *W. A. Jowitt*, K.C., and *Valentine Holmes*; *Sir Patrick Hastings*, K.C., *Rowland Thomas* and *Harold J. Murphy*; *Melford Stevenson*.

SOLICITORS: *Lewis & Lewis; Campbell, Hooper & Todd; Charles Russell & Co.; A. & G. Tooth; E. F. Iwi.*

[Reported by T. W. MORGAN, Esq., Barrister-at-Law.]

High Court—King's Bench Division.

Trustees of The Sir G. B. Hunter (1922) "C" Trust *v.* Commissioners of Inland Revenue.

Rowlatt, J. 18th March.

REVENUE—INCOME TAX—TRUST FUND INCOME—GIVEN TO SOCIETY FOR SIMPLIFICATION OF ENGLISH SPELLING—CLAIM FOR EXEMPTION—NOT FOR CHARITABLE PURPOSES ONLY—INCOME TAX ACT, 1918 (8 & 9 Geo. V, c. 40), s. 37 (1) (*b*).

Case stated by the Commissioners for the Special Purposes of the Income Tax Acts.

By a deed, dated the 18th August, 1922, made between Sir G. B. Hunter and certain persons appointed as trustees, it was provided that they should apply the income from the trust fund of £15,250 "to or for the Simplified Spelling Society . . . and any other Society or Association having for its principal object the simplification of or improvement of English spelling or of the English language . . ." During the period material to this case the trust income had been paid to the Simplified Spelling Society alone. The trustees were assessed to income tax in respect of the sums paid to the Society, and they appealed to the Special Commissioners against the assessment and claimed exemption from income tax for the four years ending the 5th April, 1926, under the provisions of s. 37 (1) (*b*) of the Income Tax Act, 1918, on the ground that the trust income had been applied to charitable purposes only. The Commissioners were of opinion that the Simplified Spelling Society was not established for educational purposes only, and that though it might be established for a purpose beneficial to the community, that purpose did not fall within the category of charitable purposes, and they refused the claim for exemption. The trustees now appealed.

ROWLATT, J., said that the Special Commissioners were clearly right. The court had not to decide whether the society was pursuing a beneficial object or not, but whether its object was a charitable one within the meaning of the rule and the Income Tax Act. In his opinion it was nowhere near any of the express categories or classes of cases which were within the general trusts, and the appeal was dismissed, with costs.

COUNSEL: *H. B. Braund* for the appellants; *The Attorney-General* (Sir Thomas Inskip, K.C.), and *R. P. Hills*, for the Crown.

SOLICITORS: *Collen Jones & Co; Solicitor of Inland Revenue.*

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

Mason *v.* Lack.

Humphreys, J. 22nd March.

BILL OF EXCHANGE—NOT DRAWN BY ONE PERSON UPON ANOTHER—VOID—GOOD PROMISSORY NOTE—BILLS OF EXCHANGE ACT, 1882 (45 & 46 Vict., ch. 61) s. 3 (1), s. 83.

In this action the plaintiff, Harry Mason, claimed from the defendant, John H. Lack, the sum of £125 7s. 4d., which he alleged was due to him on a bill of exchange drawn by him and accepted by the defendant, and payable on the 31st December, 1928. The defendant denied liability and alleged that the instrument in question was void as a bill of exchange because, *inter alia*, it did not comply with the requirements of a bill of exchange as to form in that it was not drawn upon one person by another. The alleged bill of exchange was in the following form: "£125 7s. 4d. On December 31, 1928, pay to my order the sum of one hundred and twenty-five pounds seven shillings and fourpence for value received," and written across it were the words "Accepted payable at Lloyds Bank, Limited, High Street Branch, Shoreditch, London, E.C.2."

HUMPHREYS, J., in a considered judgment, said that both on the authorities and within the meaning of the definition of a bill of exchange in s. 3 of the Bills of Exchange Act, 1882, the instrument in question was not a valid bill of exchange since it was not addressed to anyone; the only indication of an addressee being the bank, at which, however, the defendant had in fact no account. He had given leave to amend the statement of claim, however, so as to make the claim against the defendant not as acceptor of a bill of exchange but as the maker of a promissory note. In his opinion the instrument was a good promissory note both upon the authorities and within s. 83 of the Act of 1882, and on the footing that it was a promissory note the plaintiff was entitled to recover its value. The defendant, having succeeded in establishing that the instrument was not a bill of exchange, was only ordered to pay one-half of the taxed costs.

COUNSEL: *D. N. Pritt*, K.C., and *O'Malley*, for the plaintiff; *G. L. Hardy* and *Algernon Brown*, for the defendant.

SOLICITORS: *J. Wylie Patterson; Marris & Shepherd.*

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

Probate, Divorce and Admiralty Division.

Wilson *v.* Wilson and Berry.

Lord Merrivale, P. 29th April.

DIVORCE—UNDEFENDED PETITION FOR DISSOLUTION OF MARRIAGE—WHOLE OF EVIDENCE TAKEN ON AFFIDAVIT.

In this husband's undefended suit for dissolution of marriage, the whole of the evidence before the court was on affidavit.

Lord MERRIVALE, P., said that at the beginning of the proceedings the petitioner was located, at any rate for the time being, in Hong-Kong, but was domiciled in England. The respondent left him in Hong-Kong and went off with the co-respondent to Western Australia. The petitioner was therefore under the necessity of establishing the charge by evidence from Hong-Kong and Western Australia. That had been done by means of affidavits proving what was alleged, without involving any undue burden on the petitioner. It would be useful to people who were seeking divorce and who were confronted with difficulties of obtaining a decree, as in this case, to be aware of that procedure.

His lordship pronounced a decree nisi with costs against the co-respondent.

COUNSEL: *H. B. Barker* (with him *Noel Middleton*), for the petitioner.

SOLICITORS: *Gibson and Weldon* for *Deacon's*, Hong-Kong.

[Reported by J. F. COMPTON-MILLER, Esq., Barrister-at-Law.]

Obituary.

His Honour H. Y. STANGER.

His Honour Henry Yorke Stanger, B.A., K.C., died on Friday, the 19th ult., as the result of an accident sustained on the previous day. Born at Nottingham on the 11th November, 1849, he was the third son of the late George Eaton Stanger, surgeon. He was educated privately and at Lincoln College, Oxford (Scholar); Tancred Law student. He was called by Lincoln's Inn in 1874, was revising barrister in Warwickshire in 1892, 1893 and 1894, took silk in 1895; was Recorder of Nottingham 1909-1911, independent chairman of Notts Joint Committee under Minimum Wage Act, 1912, and county court judge of Circuit No. 7, 1910-1914, and of Bristol Circuit (No. 54) from 1914 to 1922, when he retired, and a Justice of the Peace for Gloucestershire. He was elected a Bencher of his Inn in 1898, and made Treasurer in 1923. H.

In Parliament.

Progress of Bills.

House of Lords.

Road Vehicles Regulation [Bill]. Report of Select Committee considered. 25th April.

Agricultural Rates Bill. Read a second time and committed. 30th April.

Pharmacy Bill. Read a second time and committed. 30th April.

Companies Bill. Returned from the Commons and agreed to. 30th April.

Gas Undertakings Bill [H.L.]. Returned from the Commons and agreed to. 30th April.

Bridges Bill [H.L.]. Returned from the Commons, agreed to with amendments.

Savings Banks Bill. Considered in Committee and reported without amendment.

Industrial Assurance and Friendly Societies Bill. Considered in Committee and reported without amendment.

Age of Marriage Bill [H.L.]. Read the third time with the amendments, sent to the Commons.

The Right Hon. WILLIAM WATSON, K.C., Lord Advocate, having been appointed Lord of Appeal in Ordinary, with the Dignity of a Baron for life, by the style of Baron Thankerton of Thankerton was introduced. 1st May.

House of Commons.

Companies Bill [H.L.]. Read the third time and passed without amendment. 29th April.

Bridges Bill [H.L.]. As amended (in the Standing Committee), considered, read the third time and passed. 29th April.

Fire Brigade Pensions Bill. As amended (in the Standing Committee) considered. Read the third time and passed. 1st May.

Bastardy (Witness Process) Bill. Not amended (in Standing Committee). Read the third time and passed. 1st May.

Gas Undertakings Bill [H.L.]. Reported without amendment, read the third time and passed.

Questions to Ministers.

WHIST DRIVES (LEGAL POSITION).

Lieut.-Commander KENWORTHY asked the Home Secretary whether he has given any general instructions regarding small whist drives of a social character organised amongst friends where small prizes are competed for; if he is aware that in certain cases in the Metropolitan area the organisers of these little tournaments are being pestered and hunted and warned of their illegality; and whether he proposes to take any action in the matter?

Sir W. JOYNSON-HICKS: I have called the attention of all chief officers of police to the views of my predecessors, which I stated and endorsed in reply to a question in this House last year—namely, that the police should not interfere unless harm is being done. There is no reason to think that there has been interference unnecessarily in the Metropolitan police district, but if the hon. and gallant Member has any information to a contrary effect, I should be glad if he would send it to me so that I may look into it.

THEATRES AND MUSIC HALLS (SUNDAY OPENING).

Mr. DAY asked the Secretary of State for the Home Department whether he has received any representations asking him to consider amending the present legislation so as to give theatres and variety halls holding music and dancing licences the same privileges of Sunday opening as at present exist and are granted in the London area to cinemas; and can he state what has been his reply?

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT (Sir William Joynson-Hicks): The answer to the first part of the question is in the negative, and the second therefore does not arise.

STOCK EXCHANGE DERBY SWEEPSTAKE.

Sir R. THOMAS asked the Home Secretary whether, in view of the illegality of lotteries, he proposes to take action in the matter of the Stock Exchange Derby Sweepstake?

Sir W. JOYNSON-HICKS: It has never been the practice to interfere with private lotteries which do not involve some, at least, of the mischiefs against which the law is properly directed in the case of public lotteries.

MERCHANDISE MARKS ACT (IMPORTED ROSE TREES).

Mr. VIANT asked the Minister of Agriculture the date upon which the marking order under the Merchandise Marks Acts for imported rose trees will come into effect?

Mr. GUINNESS: The Draft Order in Council provides that the Order shall come into operation three months after the Order is made. The Merchandise Marks Act, 1926, requires that the draft Order shall lie before each House of Parliament for twenty-one days during which the House is sitting before the Order is made. If, as I anticipate, the Order is made about the middle of May, it would come into operation about the middle of August in time for the autumn trade.

Societies.

The Law Society.

HONOURS EXAMINATION.

MARCH, 1929.

The names of the solicitors to whom the candidates served under articles of clerkship are printed in parentheses.

At the Examination for Honours of candidates for admission on the Roll of Solicitors of the Supreme Court, the Examination Committee recommended the following as being entitled to Honorary Distinction:—

FIRST CLASS.

(In Order of Merit.)

1. Anthony Dalzell Hargreaves, M.A., LL.B. Cantab. (Mr. Charles Harvey Plant, of the firm of Messrs. Plant, Abbott & Plants, of Preston.)

2. Ben Atkinson Wortley, LL.B. Leeds. (Mr. Tom Goodall, D.S.O., M.C., of the firm of Messrs. E. B. Wilson, Topham and Goodall, of Mirfield.)

Thomas Alun Jones, LL.B. Wales. (Mr. Frederic Hubert Jessop, LL.B., of the firm of Messrs. Smith, Davies & Jessop, of Aberystwyth.)

Robert John Formby Burrows, B.A., LL.B. Cantab. (Mr. John Gordon Archibald, of the firm of Messrs. Parker, Garrett & Co., of London.)

SECOND CLASS.

(In alphebetical order.)

Ernest Booth, B.A., LL.B. Cantab. (Formerly a Barrister-at-Law.)

Frederick Robert Ferris. (Mr. Reginald Frank Hughes, of the firm of Messrs. F. W. Hughes & Son, of London.)

William Graeme Galbraith, B.A. Oxon. (Mr. George Cuming Whadcoat, of London.)

Herbert Morgan Gammans, LL.B. London. (Mr. George Coffin, of the firm of Messrs. Webber & Coffin, of Portsmouth.)

Aled Owen Hughes, B.A. Oxon. (Mr. Charles Nicholas Theodore Jeffreys, of the firm of Messrs. Sharpe, Pritchard and Co., of London.)

Geoffrey Malcolm Lockhart. (Mr. James Prichard, of the firm of Messrs. Ward, Bowie & Co., of London.)

George Ernest Macdonald. (Mr. Christopher Coleman Gill, of the firm of Messrs. Gill & Bush, of Bath.)

John McCubbin McLusky. (Mr. Ernest Anderton Steele, LL.B., of the firm of Messrs. Steele & Duckworth, of Halifax.)

Vernon Valentine Marshall. (Mr. James Jackson, of the firm of Messrs. Hensman, Jackson & Chamberlain, of Northampton.)

Marshall William Palmer. (Mr. Joseph Wilkins Parker, of Worthing, and Messrs. Vizard, Oldham & Co., of London).

Lionel Rosen, LL.B. London. (Mr. Benno Pearlman, of Hull.)

Robert Wilson Shipman. (Mr. Ralf Sunderland-Taylor, of the firm of Messrs. Josselyn & Sons, of Ipswich.)

Edwin Gordon Sykes. (Miss Mary Elaine Sykes, B.A., LL.B., of the firm of Messrs. Armitage, Sykes & Hinchcliffe, of Huddersfield.)

Philip John Walters. (Mr. Charles Henry Knill Newcombe, of Swansea; and Messrs. T. D. Jones & Co., of London.)

THIRD CLASS.

(In alphabetical order.)

Francis Hamilton Barnsley. (Mr. George Douglas Collis; and Mr. John Reginald Wood Hollinshead, LL.B., of the firm of Messrs. Edward Hollinshead, both of Tunstall.)

Owen Lawrence Blyth, LL.B. Wales. (Mr. Cyril Laud Baddeley, of the firm of Messrs. Baddeleys & Co., of London.)

Geoffrey Manwaring Brown, M.A. Cantab., O.B.E. (Mr. Frederick William Brown, of the firm of Messrs. Brown, Turner, Compton Carr & Co., of London and Southport.)

Philip David Childs. (Mr. Philip Hugh Childs, J.P., of the firm of Messrs. Bramsdon & Childs, of Portsmouth; and Messrs. Cardew Smith & Ross, of London.)

Lawrence Clifton Crick. (Mr. Ernest Grugeon Scott, of London.)

Joseph Dean Faulkner. (Mr. Harold Chadwick, of the firm of Messrs. Grundey, Chadwick & Lowe, of Stockport.)

Richard Gover Ford. (Mr. Harold Gover Ford, of the firm of Messrs. Thorpe, Perry & Ford; and Mr. William Noel Parr, of the firm of Messrs. Parr, Perry & Ford, both of Nottingham.)

Mortimer Friedman, LL.B. Leeds. (Mr. Charles Hubert Plackett, of the firm of Messrs. Harland, Plackett & Freeman, of Leeds; and Messrs. Kenneth Brown, Baker, Baker, of London.)

Edward Tolley Grubb. (Mr. John William Jackson, of the firm of Messrs. A. S. Allen & Jackson, of Bromyard.)

Arthur Crankshaw Halliday. (Mr. Bernard Kuit, of the firm of Messrs. Bernard Kuit & Co., of Manchester; and Mr. Walter Dyson Briscombe, of Southport.)

Robert Crossman Hodgins, LL.B. London. (Mr. John David Wheldon, of the firm of Messrs. Crossfield, Cushing and Wheldon, of London.)

William Francis Hood. (Mr. Isaac Landau and Mr. William Henry Banks, both of the firms of Messrs. Aird, Hood & Co., of London, and Messrs. Wm. Hood & Co., of Croydon.)

Lucien Abraham Isaacs. (Mr. Henry Dollman, of the firm of Messrs. Firth & Co., of London.)

Trevor William Johnson. (Mr. James Porter, of the firm of Messrs. Porter, Amphlett & Co., of Conway; and Mr. Richard Vincent Johnson, of the firm of Messrs. Chamberlain, Johnson & Parke, of Llandudno.)

Emanuel Kelsey. (Mr. John William Cuthbertson, of Blyth Northumberland.)

Cyril Lambert. (Mr. Frederick Lambert, of the firm of Messrs. Stanford & Lambert, of Newcastle-upon-Tyne.)

Joseph Legge. (Mr. Cyril Owen Langley, of the firm of Messrs. Fowler, Langley & Wright, of Wolverhampton, and Messrs. Gregory, Rowcliffe & Co., of London.)

Richard David Leigh. (Mr. Lawrence Michael Davis, of London.)

Joseph Anthony Sampson Nicholls. (Mr. Joseph Godfrey Nicholls, of the firm of Messrs. J. Nicholls & Son, of London.)

Stanley Parkin. (Mr. Thomas Alfred Bertram Forster, of the firm of Messrs. Keenlyside & Forster, of Newcastle-upon-Tyne.)

Raymond Courtney Penhale. (Mr. William Ashcroft Lambert, of the firm of Messrs. W. A. Lambert & Co., of Sheffield.)

Kenneth Alfred Randall. (Mr. Alfred Randall, of the firm of Messrs. Burgoynes & Co., of London.)

Hubert Louis Rowan. (Mr. Francis Joseph Walmsley, of the firm of Messrs. Walmsley & Barnes, of Broadstairs; Mr. Arthur Robert Chamberlayne (deceased), of Ventnor; and Mr. Albert Edward Elliott, of the firm of Messrs. Kenneth E. Bartlett, Elliott & Co., of London.)

William John Rowlands. (Mr. Edward Jones, of Blaenau-Festiniog.)

Thomas Percy Wiltshire. (Mr. William Crauford Jordan, of the firm of Messrs. Wiltshire, Sons & Jordan, of Great Yarmouth.)

The Council of the Law Society have accordingly given a Class Certificate and awarded the following Prizes:—

To Mr. Hargreaves—The Clement's Inn Prize—Value about £42.

To Mr. Wortley, Mr. Jones and Mr. Burrows—Each The Daniel Reardon Prize—Value about £21.

The Council have given Class Certificates to the candidates in the Second and Third Classes.

Seventy-nine candidates gave notice for examination.

Gray's Inn.

GRAND DAY.

Thursday, the 25th ult., being the Grand Day of Easter Term at Gray's Inn, the Treasurer (Master Timothy Healy, K.C.) and the Masters of the Bench entertained at dinner the following guests:—His Excellency The Swedish Minister, The Lord High Chancellor (The Right Hon. Lord Hailsham), The Right Hon. The Earl of Iveagh, C.B., C.M.G., The Right Hon. Viscount Devonport, The Right Hon. Lord Tomlin, The Right Hon. James MacMahon, The Right Hon. Lord Justice Sankey, G.B.E., the Treasurer of the Hon. Society of the Inner Temple (The Hon. Mr. Justice Avory), the High Commissioner for the Irish Free State (Mr. Timothy A. Smiddy), Sir Alfred Cope, K.C.B., the President of The Law Society (Mr. R. M. Welsford), Mr. Wilfrid Greene, K.C., Mr. Philip de Laszlo, M.V.O., Mr. William Sutton, and Mr. Harley Clarke. The Benchers present, in addition to the Treasurer, were: Sir Lewis Coward, K.C., The Right Hon. Sir Dunbar Plunket Barton, Bart., K.C., Mr. Herbert F. Manisty, K.C., Mr. Edward Clayton, K.C., Mr. Arthur E. Gill, The Right Hon. The Earl of Birkenhead, G.C.S.I., Sir Montagu Sharpe, K.C., His Honour Judge Ivor Bowen, K.C., Sir Cecil Walsh, K.C., The Hon. Vice-Chancellor Courthope Wilson, K.C., Sir Walter Greaves-Lord, K.C., M.P., Mr. G. D. Keogh, Mr. Bernard Campion, K.C., The Right Hon. Lord Morison, Mr. J. W. Ross-Brown, K.C., Mr. R. Storry Deans, M.P., Mr. A. Andrewes Uthwatt, Mr. G. Malcolm Hilbery, K.C., with the Preacher (The Rev. W. R. Matthews, D.D.), and the Under-Treasurer (Mr. D. W. Douthwaite).

Law Students' Debating Society.

At a meeting of the Society held at The Law Society's Hall, on Tuesday, the 23rd ult. (Chairman, Miss C. M. Young), the subject for debate was: "That this House deplores the decision of the House of Lords in the case of *The Attorney-General* v. *Luncheon & Sports Club Ltd.*, 45 T.L.R. 294." Mr. G. Thesiger opened in the affirmative, and was seconded by Mr. J. Lamont, whilst Mr. A. S. Diamond opened in the negative, and was supported by Mr. A. L. Ungoed-Thomas. The following members having spoken, viz., Messrs. S. Lincoln, M. C. Batten, E. F. Iwi, P. E. Roberton, H. F. C. Morgan, P. H. North-Lewis, C. N. Bushell, W. L. F. Archer, and the opener having replied, the chairman summed up, and on being submitted to the meeting, the motion was lost by one vote. There were eighteen members and four visitors present.

At a meeting of the Society held at The Law Society's Hall on Tuesday, 30th ult., (chairman, Mr. H. M. Pratt), the subject for debate was "That this House is dissatisfied with British policy in India." Mr. C. F. S. Spurrell opened in the affirmative, and Mr. E. E. Pugh opened in the negative. The following members also spoke: Messrs. W. M. Pleadwell, J. Buckley, S. Pellay, G. Thesiger, A. L. Ungoed Thomas, and P. E. Roberton. The opener having replied, the motion was lost by one vote. There were fourteen members and two visitors present.

Northern Ireland Law Society.

The results of the April Final Examination of the Incorporated Law Society of Northern Ireland are as follow:—

Final Examination—Brian M'K M'Guigan, John J. M'Nally, Dorothy A. Fisher, Marcus J. Devine, Frank M'Kee, Thomas Hewitt, James G. Lennon, E. Malachy Doris, Theodore Bates, John H. G. Majury, John Kernohan, Denis J. Watters, Samuel Conolly, Alexander M. S. Russell, Thomas G. Logue, William M. Mahaffy, Gerald J. Magee.

The names are set out in order of merit.

Miss Dorothy A. Fisher is the eldest daughter of Mr. Alex. Fisher (Messrs. Fisher & Fisher, Solicitors), Newry, and in taking third place was the only lady to gain honours. Her younger sister, Miss Margaret Fisher, LL.B., qualified as a solicitor last year, and both have played hockey for Ulster.

Rules and Orders.

THE RATING AND VALUATION (APPORTIONMENT) ACT (SPECIAL LIST) (AMENDMENT) (NO. 2) RULES, 1929, DATED 12TH APRIL 1929, MADE BY THE MINISTER OF HEALTH UNDER S. 58 OF THE RATING AND VALUATION ACT, 1925 (15 & 16 GEO. 5, C. 90) AS APPLIED BY S. 7 (1) (C) AND 10 (2) OF THE RATING AND VALUATION (APPORTIONMENT) ACT, 1928 (18 & 19 GEO. 5, C. 44).

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Whereas by the Rating and Valuation (Apportionment) Act (Special List) Rules, 1928,(*a*) (hereinafter referred to as "the Rules of 1928") which were amended by the Rating and Valuation (Apportionment) Act (Special List) (Amendment) Rules, 1929,(*b*) the Minister of Health in pursuance of the powers conferred upon him by the Rating and Valuation Act, 1925, and the Rating and Valuation (Apportionment) Act, 1928 (hereinafter referred to as "the Act of 1925" and "the Act of 1928" respectively) required *inter alia* that a rating authority in preparing a preliminary draft special list or a draft special list and an assessment committee in revising and approving a draft special list should comply with certain directions as to the entries to be made in the respective columns of those lists and further directed that no entries should be made in certain columns of the said lists:

And whereas it is now necessary that appropriate entries should be made in the columns last mentioned in accordance with the provisions of the Local Government Act, 1929:(*c*)

Now therefore, the Minister of Health, by virtue of the powers conferred upon him by the Act of 1925 and the Act of 1928 and of all other powers enabling him in that behalf hereby makes the following rules:—

1. These rules may be cited as the Rating and Valuation (Apportionment) Act (Special List) (Amendment) (No. 2) Rules, 1929, and the Rules of 1928, the Rating and Valuation (Apportionment) Act (Special List) (Amendment) Rules, 1929, and these rules may be cited together as the Rating and Valuation (Apportionment) Act (Special List) Rules, 1928 and 1929.

2. These rules shall come into operation on the date hereof.

3. These rules shall be construed as one with the Rules of 1928 as amended by the Rating and Valuation (Apportionment) Act (Special List) (Amendment) Rules, 1929.

4. So much of the Rules of 1928 as directs that no entry shall be made in any column of the preliminary draft special list or draft special list shall cease to have effect.

5. The rating authority or, in the case of a draft special list or an instalment thereof which has been deposited, the assessment committee shall, whenever the net annual value of a hereditament has been entered in the draft special list, comply with the following directions:—

(i) In the case of every agricultural hereditament the word "nil" shall be entered in the column headed "rateable value" which is appropriate to the hereditament.

(ii) In the case of every industrial or freight-transport hereditament the rateable value calculated in the manner provided by sub-section (1) of section 68 of the Local Government Act, 1929, shall be entered in the appropriate columns of the draft special list.

6. Rules 10 and 13 (4) of the Rules of 1928 (which relate to totals and summaries) shall be modified as follows:—

(*a*) any reference in the first paragraph of Rule 10 to columns 8, 9*a* and 10*a* of Part II of the special list shall be construed as including a reference to columns 9*b*, 10*b* and 11 of that Part;

(*b*) any reference in the second paragraph of Rule 10 to columns 9 and 12*a* of Part III of the special list shall be construed as including a reference to columns 12*b* and 13 of that Part; and any reference in that paragraph to columns 10*a*, 10*b* and 11*a* shall be construed as including a reference to columns 10*c* and 11*b* of that Part; and

(*c*) any reference in Rule 13 (4) to columns 9 and 11*a* of Part III of the special list shall be construed as including a reference to columns 11*b* and 12 of that Part; and any reference to column 10*a* shall be construed as including a reference to column 10*b* of that Part.

Given under the official seal of the Minister of Health this twelfth day of April, in the year One thousand nine hundred and twenty-nine.

(L.S.)

R. B. Cross,
Assistant Secretary,
Ministry of Health.

(*a*) S.R. & O. 1928 (No. 627) p. 1354. (*b*) S.R. & O. 1929, No. 65. (*c*) 19 G. 5. c. 27.

Mr. Alexander Jones David, K.C., of Rickfords Hill, Aylesbury, from 1909 to 1927 Recorder of Newcastle-under-Lyme, who died on 1st February, aged seventy-seven, left estate of the gross value of £2,473.

Legal Notes and News.

Honours and Appointments.

The King has been pleased to confer a Barony of the United Kingdom on Lord SHAW OF DUNFERMLINE on his retirement from the office of Lord of Appeal in Ordinary after twenty years' service.

The King has been pleased to appoint The Right Hon. WILLIAM WATSON, P.C., K.C., M.P., Lord Advocate, to be a Lord of Appeal in Ordinary. Mr. Watson was admitted to the Faculty of Advocates in 1899, took silk in 1914, was appointed Solicitor-General for Scotland in 1922, and Lord Advocate in 1924.

The King has been pleased to approve the appointment of Mr. ALEXANDER MUNRO MACROBERT, M.A., LL.B., K.C., M.P., Solicitor-General for Scotland, to be Lord Advocate vice Mr. William Watson. Mr. MacRobert was called to the Bar in 1897, took silk in 1919, and has been Solicitor-General for Scotland since 1926.

The King has been pleased to approve the appointment of Mr. WILFRID G. NORMAND, K.C., to be Solicitor-General for Scotland vice Mr. A. M. MacRobert. Mr. Normand was admitted to the Faculty of Advocates in 1910 and took silk in 1925.

Mr. MICHAEL MYERS, K.C., has been appointed Chief Justice of New Zealand in succession to the late Sir Charles Sherrett. Mr. Myers was called to the Bar in 1894 and took silk in 1922.

Mr. W. A. JOWITT, K.C., and Mr. W. CRAIG HENDERSON, K.C., have been elected Masters of the Bench of the Middle Temple. Mr. Jowitt was called to the Bar in 1909 and took silk in 1922, whilst Mr. Henderson was called to the Bar in 1900 and took silk in 1923.

Mr. J. D. CASSELS, K.C., M.P. (Recorder of Guildford), has been elected a Bencher of the Middle Temple. Mr. Cassels was called in 1908 and took silk in 1923.

Mr WILFRID H. POYER LEWIS, Barrister-at-Law, has been appointed Chancellor of the Diocese of Manchester. Mr. Lewis was called by the Inner Temple in 1908.

Mr. P. WILLIAM MERCER, solicitor, Sheffield, has been appointed Deputy Town Clerk of Sheffield. Mr. Mercer was admitted in 1912.

Mr. JOHN DIX, who has been Clerk of the Peace for the County of London since 1913, has been appointed Clerk to the Standing Joint Committee of the County of London in the place of Mr. E. W. Beal, M.A., solicitor, who has resigned.

Mr. PHILIP ERNEST HILL has been appointed to a seat on the main Board of the Eagle Star and British Dominions Insurance Company Limited.

Mr. S. C. AUTY, Deputy Town Clerk of Bromley, is to succeed to the Town Clerkship in September next when Mr. F. H. Norman retires.

CENTRAL CRIMINAL COURT APPOINTMENTS.

Mr. Wilfrid Walter Nops, LL.B., Barrister-at-law, has been appointed Clerk of the Central Criminal Court, in succession to the late Sir Herbert Austin. On taking his seat on Wednesday, the Recorder of London (Sir Ernest Wild, K.C.) said that at a meeting of the court, consisting of the Lord Mayor, Mr. Justice Avory, Alderman Sir George Truscott, the Common Serjeant (Sir Henry F. Dickens, K.C.) and himself (the Recorder), the Lord Mayor nominated Mr. Nops as Clerk of the court, and the court unanimously accepted that nomination, and at the same time they had the pleasure of advancing other officials one step in the official hierarchy.

Congratulating Mr. Nops on his appointment, the Recorder said that he possessed every attribute for the efficient discharge of his duties—courtesy, tact, legal knowledge and discretion. Mr. Nops had been connected with the court for twenty years. He entered the service in 1909, was made Second Clerk of Indictments in 1912, Clerk of Indictment and Second Clerk of Arraigns in 1915, and First Clerk of Arraigns and Indictments in 1919. He was later appointed Deputy Clerk of the Court, and on the death of Sir Herbert Austin, Acting Clerk.

Mr. Stuart Bevan, K.C., as senior member of the Bar present, congratulated Mr. Nops on his appointment; and Mr. H. D. Roome, on behalf of the members of the Bar regularly practising at that court, said the appointment had given them more pleasure than any other that could have been made.

Mr. Nops was called to the Bar by the Middle Temple in 1912.

Consequent upon Mr. Nop's appointment as Clerk of the Court, Dr. C. Graham Grant has been promoted to the position of First Clerk of Arraigns, Mr. J. A. Tickell to that of First Clerk of Indictments and Second Clerk of Arraigns, and Mr. W. D. Coleridge to that of Third Clerk of Arraigns and Second Clerk of Indictments. Mr. Desmond Leggatt has been appointed Assistant Public Office Clerk

Professional Announcements.

(2s. per line.)

Mr. WASHINGTON FOX, Solicitor, for upwards of twenty-five years Clerk to the Borough Justices, Kingston-upon-Thames, has sent in his resignation of that office, which will take effect as from the 30th of June next. He will continue to carry on the practice of Washington, Fox & Co.

COMPANIES ACTS.

RE-DRAFTED CLAUSES.

A report from the Joint Committee on Consolidation Bills in respect of the Companies Bill in the House of Lords has been published by the Stationery Office (price 2d.). It states that the Bill differs from ordinary Consolidation Bills in that they are intended to reproduce law already in operation, whereas this Bill to a large extent in effect reproduces new law as well, the new law being the incorporation of the Companies Act, 1928, which will not have become operative before this Bill comes into force. The Committee have made such changes in the Bill as they considered necessary to bring it into conformity with the enactments consolidated or to be necessary for the improvement of its form. They are of opinion that the Bill is pure consolidation and represents both the existing law and the new law referred to.

The Committee found that certain of the clauses required re-drafting. They further formed the opinion that amendments to certain provisions of the existing law, as reproduced in the Bill, were necessary or desirable. Referring to the re-drafting of certain clauses, the Committee state that it was pointed out to them that, as originally drafted, these attempted to consolidate s. 19 of the Assurance Companies Act, 1909, and that this rendered them both involved and extremely difficult to construe. As s. 19 affected a very small class of companies, it was suggested by the draftsman that the only way to get over this difficulty was to re-draft the clauses entirely, leaving s. 19 of the Act of 1909 unconsolidated and unrepealed, and to substitute the new clauses now in the Bill. The Committee decided that the new clauses were a great improvement and that they should be inserted in the Bill.

After stating that the Bill deals with Great Britain and not with the United Kingdom, the report continues: No attempt has, therefore, been made to deal with the law as in force in Northern Ireland with respect to companies in Northern Ireland, wherever registered. Moreover, the Companies Act of 1928 is not in force in Northern Ireland, and the Legislature of Northern Ireland is competent to legislate with respect to companies and will no doubt undertake its own consolidation, if it so desires.

THE PROTECTION OF IRISH JURIES.

The Dail on Wednesday last gave a first reading to the Juries Protection Bill, which was introduced by the Minister for Justice, Mr. Fitzgerald Kenney. The measure is, we understand, designed to make better provision for the protection of jurors and witnesses concerned in trials of criminal charges and to amend the Juries Act of 1927, and the law relating to the administration of criminal justice. It authorises majority verdicts in criminal cases. The introduction of the Bill is a fulfilment of Mr. Cosgrave's recent declaration that means would be devised for dealing with threats to, and murderous attacks on, jurors or witnesses who have the courage to do their duty in criminal cases.

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

	EMERGENCY ROTA.	APPEAL COURT No. 1.	MR. JUSTICE EVE.	MR. JUSTICE ROMER.
Monday, May 6	Mr. Jolly	Mr. More	Mr. Ritchie	Mr. Blaker
Tuesday .. 7	Hicks Beach	Ritchie	*Blaker	Jolly
Wednesday 8	Blaker	Bloxam	*Jolly	Ritchie
Thursday.. 9	More	Jolly	*Ritchie	Blaker
Friday 10	Ritchie	Hicks Beach	Blaker	Jolly)
Saturday .. 11	Bloxam	Blaker	Jolly	Ritchie
	MR. JUSTICE MAUGHAM.	MR. JUSTICE ASTBURY.	MR. JUSTICE CLAUSON.	MR. JUSTICE LUXMOORE.
Monday, May 6	Mr.*Jolly	Mr. Hicks Beach	Mr. More	Mr. Bloxam
Tuesday .. 7	Ritchie	*Bloxam	*Hicks Beach	More
Wednesday 8	*Blaker	*More	Bloxam	Hicks Beach
Thursday.. 9	Jolly	*Hicks Beach	*More	Bloxam
Friday 10	*Ritchie	*Bloxam	Hicks Beach	More
Saturday .. 11	Blaker	More	Bloxam	Hicks Beach

* The Registrar will be in Chambers on these days, and also on the days when the Courts are not sitting.

VALUATIONS FOR INSURANCE.—It is very essential that all Policy Holders should have a detailed valuation of their effects. Property is generally very inadequately insured, and in case of loss insurers suffer accordingly. **DEBENHAM STORR & SONS (LIMITED)**, 26, King Street, Covent Garden, W.C.2, the well-known chattel valuers and auctioneers (established over 100 years), have a staff of expert valuers, and will be glad to advise those desiring valuations for any purpose. Jewels, plate, furs, furniture, works of art, bric-a-brac a speciality.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (7th February, 1929) 5½%. Next London Stock Exchange Settlement Thursday, 9th May, 1929.

	MIDDLE PRICE 30th April	INTEREST YIELD.	YIELD WITH REDEMPTION.
English Government Securities.		£ s. d.	£ s. d.
Consols 4% 1957 or after	86¾	4 12 6	—
Consols 2½%	55	4 11 0	—
War Loan 5% 1929-47	100¾xd	4 19 0	—
War Loan 4½% 1925-45	96½xd	4 13 0	4 13 6
War Loan 4% (Tax free) 1929-42	100	4 0 0	4 0 0
Funding 4% Loan 1960-1990	88¼	4 11 0	4 12 0
Victory 4% Bonds (available for Estate Duty at par) Average life 35 years	93	4 6 0	4 7 6
Conversion 4½% Loan 1940-44	98½	4 11 6	4 14 6
Conversion 3½% Loan 1961	77¼	4 10 6	—
Local Loans 3% Stock 1921 or after	64	4 13 6	—
Bank Stock	252	4 13 6	—
India 4½% 1950-55	89½	5 1 0	5 3 0
India 3½%	68½	5 2 0	—
India 3%	58½	5 2 6	—
Sudan 4½% 1939-73	94	4 15 6	4 16 6
Sudan 4% 1974	85	4 14 0	4 14 0
Transvaal Government 3% 1923-53 (Guaranteed by British Government, Estimated life 15 years)	80½	3 13 6	4 12 6
Colonial Securities.			
Canada 3% 1938	86	3 9 6	4 17 6
Cape of Good Hope 4% 1916-36	93	4 6 0	5 7 0
Cape of Good Hope 3½% 1929-49	80	4 7 6	5 0 0
Commonwealth of Australia 5% 1945-75	99	5 2 0	5 2 0
Gold Coast 4½% 1956	96	4 13 9	4 16 6
Jamaica 4½% 1941-71	94	4 15 6	4 16 0
Natal 4% 1937	92	4 7 0	5 7 0
New South Wales 4½% 1935-45	91	4 19 0	5 8 0
New South Wales 5% 1945-65	99	5 1 0	5 3 0
New Zealand 4½% 1945	95	4 15 0	4 17 6
New Zealand 5% 1946	103	4 17 0	4 16 0
Queensland 5% 1940-60	97	5 3 0	5 5 0
South Africa 5% 1945-75	103	4 17 0	4 16 0
South Australia 5% 1945-75	98	5 2 0	5 2 0
Tasmania 5% 1945-75	99	5 1 0	5 2 0
Victoria 5% 1945-75	99	5 1 0	5 2 0
West Australia 5% 1945-75	99	5 1 0	5 2 0
Corporation Stocks.			
Birmingham 3% on or after 1947 or at option of Corporation	64	4 13 6	—
Birmingham 5% 1946-56	102	4 18 0	4 17 0
Cardiff 5% 1945-65	101	4 19 0	4 19 0
Croydon 3% 1940-60	69	4 6 9	4 19 0
Hull 3½% 1925-55	78	4 9 9	4 19 0
Liverpool 3½% Redeemable at option of Corporation	74	4 14 6	—
Ldn. Cty. 2½% Con. Stk. after 1920 at option of Corpn.	53	4 14 0	—
Ldn. Cty. 3% Con. Stk. after 1920 at option of Corpn.	63	4 15 3	—
Manchester 3% on or after 1941	63	4 15 0	—
Metropolitan Water Board 3% 'A' 1963-2003	63	4 13 9	—
Metropolitan Water Board 3% 'B' 1934-2003	64	4 13 6	—
Middlesex C. C. 3½% 1927-47	83	4 4 6	4 17 0
Newcastle 3½% Irredeemable	74	4 15 0	—
Nottingham 3% Irredeemable	62	4 16 0	—
Stockton 5% 1946-66	102	4 18 0	4 18 0
Wolverhampton 5% 1945-56	101	4 19 0	4 17 0
English Railway Prior Charges.			
Gt. Western Rly. 4% Debenture	81	4 18 6	—
Gt. Western Rly. 5% Rent Charge	98	5 1 6	—
Gt. Western Rly. 5% Preference	92½	5 8 0	—
L. & N. E. Rly. 4% Debenture	76½	5 5 0	—
L. & N. E. Rly. 4% 1st Guaranteed	73	5 9 6	—
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THE Proprietors of The Solicitors' Journal have placed this space at the disposal of THE BRITISH LEGION OFFICERS' ASSOCIATION, EMPLOYMENT BUREAU, 3-4, Clement's Inn, Strand, London, W.C.2 (Telephone: Holborn 5769), to whom all replies should be addressed, quoting number of advertisement, date of insertion, and the name of this paper.

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Saturday, May 4th, 1929.